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HOUSE OF REPRESENTATIVES

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Foreword to Internet Display of New Chapters

Volume 17 of Deschler-Brown Precedents of the United States House of Representatives will incorporate an eclectic mix of chapters not logically placed in earlier volumes. These chapters will address: Constitutional Amendments (ch. 34), Presidential Messages and Executive Communications (ch. 35), Ceremonies and Awards (ch. 36), Resignations (ch. 37), Deaths (ch. 38), Recesses (ch. 39), and Adjournments (ch. 40). As these chapters are completed with indices, each will be made available through this GPO website, pending the actual publication of volume 17, to be followed by a volume 18 on Budget Process.

John V. Sullivan
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CHAPTER 34

Constitutional Amendments

A. Introduction

- § 1. In General
- § 2. Form of Action

B. House Consideration

- § 3. Committee Jurisdiction
- § 4. Procedures for Floor Consideration
- § 5. Voting

C. Senate Consideration; House-Senate Relations

- § 6. Senate Consideration
- § 7. Conference Reports
- § 8. Amendments Between the Houses

D. Ratification

- § 9. Generally; Certification and Publication
- § 10. Submission to the States; Records of Ratification
- § 11. State Consent; Withdrawal and Rescission of Withdrawal
- § 12. Time Limits on Ratification

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Constitutional Amendments

A. Introduction

§ 1. In General

Article V of the Constitution provides as follows:

“The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; . . .”

It is thus that the Constitution provides the methods by which that governing document may be amended.

Although States have from time to time submitted memorials requesting a constitutional convention for the purpose of discussing amendments on specified subject matters,⁽¹⁾ no convention has been

held under Article V. This chapter therefore focuses on precedents regarding proposed constitutional amendments originating in the Congress.⁽²⁾

Some States have submitted memorials rescinding prior applications for conventions. See, *e.g.*, 149 CONG. REC. 11131, 108th Cong. 1st Sess., May 9, 2003 (memorial from Arizona rescinding all of the State’s previous calls for a constitutional convention); 135 CONG. REC. 19782, 101st Cong. 1st Sess., Sept. 7, 1989 (memorial from Alabama rescinding a previous call for a constitutional convention to propose an amendment requiring that federal spending not exceed estimated federal revenues). See also 145 CONG. REC. 18782, 106th Cong. 1st Sess., July 30, 1999 (memorial from Oregon urging Congress to disregard calls for a constitutional convention on the subject of a balanced Federal budget out of concern that such a convention might intrude into other constitutional revisions).

2. For discussion in the House on the method of amending the Constitution by convention, see 76 CONG. REC. 124-134, 72d Cong. 2d Sess., Dec. 7, 1932. See also hearing of the Subcommittee on the Constitution, Committee on the Judiciary, *Proposing an Amendment to the Constitution of the United States to Provide a Procedure by which the States*

1. See, *e.g.*, 147 CONG. REC. p. 6129, 107th Cong. 1st Sess., Apr. 24, 2001.

§ 2. Form of Action

Proposals originating in the Congress for amendments to the Constitution are made in the form of joint resolutions, which have their several readings and, if passed by both Houses, are enrolled and signed by the presiding officers of the two Houses but are not presented to the President for approval.⁽¹⁾

The form of the resolving clause for such a joint resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

This adheres to the form for the resolving clause for all joint resolutions⁽²⁾ with the addition of the parenthetical phrase relating to

may Propose Constitutional Amendments, Mar. 25, 1998 (regarding H.J. Res. 84, 105th Congress).

1. *House Rules and Manual* § 191 (2007).
2. See 1 USC § 102.

the constitutional requirement of a two-thirds margin in each House for passage of such a joint resolution, which has been included in all joint resolutions proposing constitutional amendments that have been ratified.⁽³⁾

3. See, *e.g.*, H.J. Res. 27 of the 80th Congress, which became the 22d amendment, the resolving clause of which is set out at 93 CONG. REC. 863, 80th Cong. 1st Sess., Feb. 6, 1947; S.J. Res. 39 of the 86th Congress, which became the 23d amendment, the resolving clause of which is set out at 106 CONG. REC. 1257, 86th Cong. 2d Sess., June 14, 1960; S.J. Res. 29 of the 87th Congress, which became the 24th amendment, the resolving clause of which is set out at 108 CONG. REC. 17655, 87th Cong. 2d Sess., Aug. 27, 1962; S.J. Res. 1 of the 89th Congress, which became the 25th amendment, the resolving clause of which is set out at 111 CONG. REC. 7969, 89th Cong. 1st Sess., Apr. 13, 1965; and S.J. Res. 7 of the 92d Congress, which became the 26th amendment, the resolving clause of which is set out at 111 CONG. REC. 7570, 89th Cong. 1st Sess., Mar. 23, 1971.

B. House Consideration**§ 3. Committee Jurisdiction**

Under Rule X clause 1, jurisdiction in the House of Representatives over joint resolutions proposing amendments to the Constitution is vested in the Committee on the Judiciary. That jurisdiction was established by the amendments to the standing rules of the House made by the Legislative Reorganization Act of 1946.⁽¹⁾ Before the revisions to House committee jurisdiction made by that law, other committees had exercised jurisdiction over joint resolutions proposing amendments to the Constitution,⁽²⁾ and the House on occasion had changed the referral of such a resolution from another committee to the Committee on the Judiciary.⁽³⁾

1. 60 Stat. 812, 818, ch. 753, Aug. 2, 1946.

2. See § 3.1, *infra*. See also 4 Hinds' Precedents § 4247 (former Committee on Labor reported a resolution in 1884 proposing an amendment to the Constitution limiting the hours of labor).

3. In 1900 and again in 1932, the House by unanimous consent re-referred a joint resolution proposing an amendment to the Constitution addressing taxation from the Committee on Ways and Means to the Committee on the Judiciary. See 4

In recent practice, jurisdiction in the House over joint resolutions proposing amendments to the Constitution has been vested solely in the Committee on the Judiciary.⁽⁴⁾ That committee also has jurisdiction over memorials from States either requesting the calling of a constitutional convention or rescinding such a request.⁽⁵⁾

§ 3.1 Proposed amendment regarding elections and terms of office referred to former Committee on Election of the President, Vice President, and Representatives in Congress.

On Mar. 29, 1933,⁽¹⁾ the Speaker referred to the Committee on Election of the President, Vice President, and Representatives in Congress a joint resolution proposing an amendment to the Constitution relating to the election of

Hinds' Precedents § 4056; 7 Cannon's Precedents § 1780.

4. See § 3.2, *infra*.

5. See examples in footnote 1 of § 1, *supra*.

1. H. Jour. p. 122 (1933). The Legislative Reorganization Act of 1946 abolished the Committee on Election of the President, Vice President, and Representatives in Congress and vested the jurisdiction of that committee in the new Committee on House Administration. 60 Stat. 812, 818, ch. 753, Aug. 2, 1946.

the President and Vice President. That committee reported the joint resolution to the House with an amendment on June 13, 1933.⁽²⁾

§ 3.2 In recent practice, all joint resolutions proposing amendments to the Constitution have been referred to the Committee on the Judiciary.

The Legislative Reorganization Act of 1946 reduced the number of standing committees of the House from 48 to 19 and consolidated and further delineated their jurisdiction. In so doing, the House made express the jurisdiction of the Committee on the Judiciary over the subject matter of constitutional amendments.

Before 1946, Rule XI [now Rule X] read, in relevant part, as follows:

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz, subjects relating . . .

4. To judicial proceedings, civil and criminal law—to the Committee on the Judiciary.⁽¹⁾

In the *House Rules and Manual* (1945), the annotations to that

2. H.J. Res. 136 of the 73d Congress. See H. Jour. p. 421 (1933).

1. *House Rules and Manual* §§ 675, 680 (1945).

rule included the following: “The committee [on the Judiciary] also has general but not exclusive jurisdiction over joint resolutions proposing amendments to the Constitution.”⁽²⁾ Thus it was that most but not all joint resolutions proposing amendments to the Constitution were referred to the Committee on the Judiciary.

Section 121(b) of the Legislative Reorganization Act of 1946⁽³⁾ amended Rule XI [now Rule X] to read, in relevant part, as follows:

POWERS AND DUTIES OF COMMITTEES

(1) All proposed legislation, messages, petitions, memorials, and other matters relating to the subjects listed under the standing committees named below shall be referred to such committees, respectively . . .

(l) Committee on the Judiciary.

1. Judicial Proceedings, civil and criminal, generally.

2. Constitutional amendments.

3. Federal courts and judges.

Parliamentarian’s Note: The practice since the enactment of the Legislative Reorganization Act of 1946 has been to recognize sole jurisdiction in the Committee on the Judiciary over matters relating to amendments to the Constitution, regardless of the subject matter of a proposed amendment.

2. *Id.* at § 680. See also 4 Hinds’ Precedents § 4056.

3. Legislative Reorganization Act of 1946, 60 Stat. 812, 818, ch. 753 (Aug. 2, 1946).

§ 4. Procedures for Floor Consideration

The House has used a number of procedures to consider joint resolutions proposing amendments to the Constitution. Most of the procedures used for any other variety of legislative measure have been used, but special conditions have been applied in some circumstances.

The House has considered joint resolutions proposing amendments to the Constitution—

(1) under suspension of the rules (under Rule XV clause 1),

(2) under a special order-of-business resolution reported from the Committee on Rules (pursuant to Rule XIII clause 6(a)),

(3) pursuant to a motion to discharge the Committee on the Judiciary from further consideration of the joint resolution (pursuant to Rule XV clause 2), and

(4) under a special order-of-business resolution from which the Committee on Rules has been discharged (pursuant to Rule XV clause 2).

Suspension of the Rules

§ 4.1 The joint resolution proposing the amendment to the Constitution that became the

24th Amendment (abolishing the poll tax) was considered by the House under suspension of the rules.

On Aug. 27, 1962,⁽¹⁾ after the Journal had been read in full and four quorum calls had been completed or dispensed with by roll call votes, Emanuel Celler, of New York, chairman of the Committee on the Judiciary, moved that the House suspend the rules and pass a Senate joint resolution proposing an amendment to the Constitution. The motion and related debate, particularly concerning the propriety of the use of a motion for suspension of the rules for consideration of such a joint resolution, were as follows:

Mr. [Emanuel] CELLER [of New York]. Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution 29, proposing an amendment to the Constitution of the United States relating to qualifications of electors.

Mr. [Thomas Gerstle] ABERNETHY [of Mississippi]. Mr. Speaker, a point of order.

The SPEAKER.⁽²⁾ The gentleman will state his point of order.

Mr. ABERNETHY. Mr. Speaker, I make the point of order that this is District Day, that there are District bills on the calendar, and as a member of the Committee on the District of Columbia I respectfully demand recognition so that these bills may be considered.

1. 108 CONG. REC. pp. 17654–70, 87th Cong. 2d Sess.

2. John W. McCormack (Mass.).

Mr. [Carl] ALBERT [of Oklahoma].⁽³⁾ Mr. Speaker, may I be heard on the point of order?

The SPEAKER. The Chair is prepared to rule, but the gentleman may be heard.

Mr. ALBERT. Mr. Speaker, by unanimous consent, suspensions were transferred to this day, and under the rules the Speaker has power of recognition at his own discretion.

Mr. ABERNETHY. Mr. Speaker, I respectfully call the attention of the chairman to clause 8, rule XXIV, page 432 of the House Manual, which reads as follows; and I respectfully submit it is a mandatory rule:

The second and fourth Mondays in each month, after the disposition of motions to discharge committees and after the disposal of such business on the Speaker's table as requires reference only, shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

Mr. Speaker, I submit that rule is clear that when the time is claimed and the opportunity is claimed the Chair shall permit those bills to be considered.

Therefore, Mr. Speaker, I respectfully submit my point of order is well taken, and that I should be permitted to call up bills which are now pending on the calendar from the Committee on the District of Columbia.

Mr. [Howard W.] SMITH of Virginia.⁽⁴⁾ Mr. Speaker, I should like to be heard on this point of order.

3. Representative Albert was the Majority Leader.
4. Representative Smith was chairman of the Committee on Rules.

The SPEAKER. The Chair will hear the gentleman.

Mr. SMITH of Virginia. Mr. Speaker, the rules of the House on some things are very clear, and the rules of the House either mean something or they do not mean anything.

Mr. Speaker, the gentleman from Mississippi [Mr. ABERNETHY], has just called the Chair's attention to clause 8 of Rule XXIV. Nothing could be more clear; nothing could be more mandatory. I want to repeat it because I hope the Chair will not fall into an error on this proposition:

The second and fourth Mondays in each month, after the disposition of motions to discharge committees and after the disposal of such business on the Speaker's table as requires reference only—

And that is all; that is all that you can consider—disposition of motions to discharge committees—

and after the disposal of such business on the Speaker's table as requires reference only—

That is all that the Chair is permitted to consider.

Mr. Speaker, after that is done the day—

shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

Mr. Speaker, I know the majority leader bases his defense upon the theory that the House having given unanimous consent to hear suspensions on this Monday instead of last Monday when they should have been heard—and I doubt if very many Members were here when that consent order was

made and I am quite sure that a great number of them had no notice that it was going to be made, and certainly I did not—now the majority leader undertakes to say that having gotten unanimous consent to consider this motion on this day to suspend the rules, therefore, it gives the Speaker carte blanche authority to do away with the rule which gives first consideration to District of Columbia matters.

Mr. Speaker, there was no waiver of the rule on the District of Columbia. That consent did not dispose or dispense with the business on the District of Columbia day. The rule is completely mandatory. The rule says that on the second and fourth Mondays, if the District of Columbia claims the time, that the Speaker shall recognize them for such dispositions as they desire to call.

The SPEAKER. The Chair is prepared to rule.

Several days ago on August 14 unanimous consent was obtained to transfer consideration of business under suspension of the rules on Monday last until today. That does not prohibit the consideration of a privileged motion and a motion to suspend the rules today is a privileged motion. The matter is within the discretion of the Chair as to the matter of recognition.

The Chair overrules the point of order.⁽⁵⁾

5. *Parliamentarian's Note:* When more than one Member seeks to call up privileged business, it is within the discretion of the Speaker as to which of those Members the Chair recognizes. District of Columbia business was privileged under Rule XXIV

The Clerk read the resolution (S.J. Res. 29) as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

“ARTICLE—

“SECTION 1. The right of citizens of the United States to vote in a primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failing to pay any poll tax or other tax.

“SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.” . . .

THE SPEAKER: The gentleman from New York [Mr. CELLER] is recognized for 20 minutes.

Mr. CELLER. . . .

I regret that this constitutional amendment is brought up under suspension of the rules with only 40 minutes of debate. I applied for a rule. A

clause 8 [now Rule XV clause 4, *House Rules and Manual* §894 (2007)]. The motion to suspend the rules was privileged pursuant to a unanimous-consent agreement making suspensions in order on that day [now in order on certain days under Rule XV clause 1, *House Rules and Manual* §885 (2007)].

rule was not forthcoming. A discharge petition was filed but not processed. Such a petition is rarely used and has its attendant difficulties if not embarrassing. Hence the suspension of the rules. . . .

Mr. [John V.] LINDSAY of New York. Mr. Speaker, I am very much opposed to poll taxes, and therefore I will vote for this bill, but I do so with a heavy heart.

This is probably the greatest piece of political gamesmanship that has come to the floor of the House in the 87th Congress. . . . First of all, this is a fantastic procedure under which to amend the Constitution—an up or down vote, no amendments permitted, no motion to recommit possible, a total of 40 minutes of debate. . . .

The leadership on the majority side who are running this show, Mr. Speaker, ought to be proud of themselves for handing us this dish of tea. Under this kind of gag procedure they casually and cynically tinker with the U.S. Constitution, for political reasons, to get off the hook on civil rights. . . .

Mr. SMITH of Virginia. Mr. Speaker, 4 minutes; 4 minutes. I have been here a long time. I hope the walls of this Hall will never ring with the kind of a farce that has been put on here today, with the Constitution of the United States to be amended, when no one can offer an objection or an amendment to it, when no one can raise his voice in extended debate, but 20 minutes for it and 20 minutes supposedly against it. It is unprecedented in the annals of this Government for an amendment to the Constitution, no matter how insignificant it may be, to be considered under this procedure.⁽⁶⁾

6. *Parliamentarian's Note*: A joint resolution proposing an amendment to

. . . [T]his resolution could have been brought up here in the regular way. Some of you will remember that just 18 months ago the leadership of this House packed the Committee on Rules so that they would have a majority vote on it. They could have gotten it out of the Committee on Rules with a majority vote if they wanted to do it in the democratic way and permit the House to vote on it. Yet, this House is going to vote for this extraordinary situation, and they are going to do it under political pressure to please a minority group. . . .

Mr. HALLECK. Mr. Speaker, I do not want to get into any controversy with any of my colleagues, but I just want it clearly stated for the record and understood that today is the regular day for considering legislation under suspension of the rules under the arrangement made last Monday; and so far as suspensions are concerned, it was within the province of the Speaker and the majority leadership to schedule them, and that is what has been done. . . .

Mr. [Seymour] HALPERN [of New York]. . . .

Mr. Speaker, I would much prefer that the poll tax be outlawed by statute rather than by amendment to the Constitution, as this House has authorized five times previously. There is a big question as to the effectiveness of going the amendment route—obtaining approval of three-fourths of the State

the Constitution had been considered by the House under a motion to suspend the rules on at least one previous occasion. See 76 CONG. REC. 7, 12, 13, 72d Cong. 2d Sess., Dec. 5, 1932.

legislatures is a long, difficult, and tedious process, to say the least.

We are now, however, faced with no other alternative under the rule and the circumstances here today but to support this constitutional amendment. Despite the question of the effectiveness of this method, I definitely shall support this Senate joint resolution. . . .

Mr. [Byron Giles] ROGERS of Colorado. Mr. Speaker, I regret that the gentleman from Virginia should say that we were placed under a gag rule, that we could not present the matter to the House so that this constitutional proposal could be amended. I want to direct attention to and read a letter from the gentleman from Virginia, addressed to the chairman of our committee, which reads as follows:

HOUSE OF REPRESENTATIVES, U.S.,
COMMITTEE ON RULES
Washington, D.C., June 15, 1962.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House Office Building, Washington,
D.C.

DEAR MR. CHAIRMAN: This will acknowledge your letter of June 14 requesting that the Committee on Rules schedule a hearing on Senate Joint Resolution 29, proposing an amendment to the Constitution of the United States relating to qualifications of electors.

I shall endeavor to schedule a hearing on this measure at the earliest possible time and shall be glad to advise you when a date has been set.

Sincerely,
HOWARD W. SMITH,
Chairman.

If the gentleman from Virginia and others are interested and do not want the Constitution amended, or us to have an opportunity to say how it should be amended, why did he not, upon the request of the chairman of this committee grant a rule so that we could come in here and discuss it in every particular? . . .

Mr. ABERNETHY. . . .

There are resolutions and bills which may be properly and satisfactorily considered under a time limitation of 40 minutes as the rule under which we are now operating provides. There are resolutions and bills of such simple character that amendments thereto would be unworthy. But, Mr. Speaker, indeed a resolution which has the effect of changing, altering, amending, defacing, or whatever you may call it, the Constitution of our great country should never be submitted to and swept through this House in such a ruthless and tornado-like fashion. What a terrible precedent. . . .

Mr. John Bell WILLIAMS [of Mississippi]. Mr. Speaker, this is a sad day for those who believe in constitutional government. It is a sadder day for those who believe in representative government and those who have had faith in the House of Representatives and its historical tradition of justice.

Under the current suspension procedure which we are operating today, we are considering a far-reaching amendment to the Constitution in only 40 minutes.

The U.S. Constitution will be 175 years old on September 17. During that time, the Congress and the respective States have amended it only 23 times. Nevertheless, the leadership

of this body, in the New Frontier tradition of running roughshod over those who disagree, has taken the unusual step of limiting debate on such a historical step to less than an hour. What will future generations think of such behavior? . . .

Mr. [Joseph P.] ADDABBO [of New York]. Mr. Speaker, I rise in support of Senate Joint Resolution 29, a constitutional amendment to abolish the poll tax.

Although I believe a serious question involving an amendment to the Constitution should be brought up under the regular order of the House and sufficient time be given for debate and amendment, to fully protect the rights of all voters. It is our responsibility when such process is stopped by the power of one man and a small minority to take this action to protect the right of all qualified to vote, even though under present laws only a few may be denied this right because of a poll tax. . . .

The SPEAKER. The time of the gentleman from Colorado has expired; all time has expired.

The question is, Will the House suspend the rules and pass the resolution, Senate Joint Resolution 29?

Mr. ABERNETHY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 294, nays 86, answered “present” 1, not voting 54, as follows:

[Roll No. 202] . . .

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

§ 4.2 When the House considered a joint resolution pro-

posing a constitutional amendment under a motion to suspend the rules, a Member objected to various unanimous-consent requests associated with such consideration (namely, to revise and extend remarks).

On Nov. 15, 1983,⁽¹⁾ as the House was considering under a motion to suspend the rules a joint resolution proposing an amendment to the Constitution, Mr. Robert S. Walker, of Pennsylvania, objected to a request of the manager of the joint resolution for unanimous consent to revise and extend his remarks and announced his [Mr. Walker’s] intention to object to all similar unanimous-consent requests for the duration of the debate on that measure.

The proceedings were as follows:

Mr. [Peter W.] RODINO [of New Jersey]. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 1) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The Clerk read as follows:

H.J. RES. 1

Resolved by the Senate and House of Representatives of the United

1. 129 CONG. REC. 32668, 98th Cong. 1st Sess.

States of America in Congress assembled (two-thirds of both Houses concurring therein), That the following article is proposed as an amendment to the Constitution of the United States of America, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

“ARTICLE—

“SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

“SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

“SECTION 3. This article shall take effect two years after the date of ratification.”.

The SPEAKER pro tempore.⁽²⁾ Pursuant to the rule, a second is not required on this motion.

The gentleman from New Jersey (Mr. RODINO) will be recognized for 20 minutes and the gentleman from Wisconsin (Mr. SENSENBRENNER) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. WALKER. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Pennsylvania reserves the right to object.

Mr. WALKER. Mr. Speaker, I reserve the right to object, because a process was determined here and the process says that there is going to be 20 minutes for the entire case to be made. There are many of us in this House who feel that that was not an appropriate kind of a decision to be made.

So therefore, I am reserving the right to object to tell the Members that I am going to object to all unanimous-consent requests, both to revise and extend remarks, as well as for the purpose of getting general leave, so that the entire debate on this matter will take place on the Democratic side within the 20 minutes allotted.

Mr. Speaker, I do object.

The SPEAKER pro tempore. Objection is heard.

Despite Mr. Walker’s announced intent to object to all such requests, the Speaker himself was granted leave to revise and extend his remarks made from the floor during debate,⁽³⁾ and other Members obtained individual permission to insert remarks in the debate.

Mr. RODINO. Mr. Speaker, I yield the balance of the time to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. O’NEILL).

(Mr. O’NEILL asked and was given permission to revise and extend his remarks.)

Mr. [Thomas P.] O’NEILL, [Jr., of Massachusetts]. I rise in support of the resolution. . . .

2. James C. Wright, Jr. (Tex.).

3. 129 CONG. REC. 32675, 98th Cong. 1st Sess.

Later the same day,⁽⁴⁾ after debate had concluded and the House had moved on to other business, Mr. Leon E. Panetta, of California, obtained, by unanimous consent, general leave for all Members to revise and extend their remarks on the joint resolution:

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on House Joint Resolution 1.

The SPEAKER pro tempore.⁽⁵⁾ Is there objection to the request of the gentleman from California?

There was no objection.

Still later the same day, the order obtained by Rep. Panetta was vacated by unanimous consent at the request of Rep. Walker:⁽⁶⁾

Mr. WALKER: Mr. Speaker, I ask unanimous consent that the motion regarding House Joint Resolution 1 made by the gentleman from California (Mr. PANETTA) be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Special Rule

§ 4.3 The House may consider a joint resolution proposing

4. 129 CONG. REC. 32719, 98th Cong. 1st Sess., Nov. 15, 1983.
5. Ronald Coleman (Tex.).
6. 129 CONG. REC. 32746, 98th Cong. 1st Sess., Nov. 15, 1983.

an amendment to the Constitution pursuant to a special order-of-business resolution reported by the Committee on Rules, and such an order-of-business resolution may provide for an amendment in the nature of a substitute to the joint resolution to be considered in the House.

On June 3, 2003,⁽¹⁾ the House considered pursuant to a special rule a joint resolution proposing an amendment to the Constitution addressing physical desecration of the flag. The proceedings were as follows:

Mr. [John] LINDER [of Georgia]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 255 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 255

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 4) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read for amendment. The previous question

1. 149 CONG. REC. 13492, 13497 [Daily Ed. H4811-17], 108th Cong. 1st Sess.

shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) two hours of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment in the nature of a substitute offered by Representative Conyers of Michigan or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent;⁽²⁾ and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore.⁽³⁾ The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. . . .

Mr. Speaker, House Resolution 255 is a modified closed rule that provides for the consideration of H.J. Resolution 4, legislation proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the American flag.

This rule provides for 2 hours of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. House Resolution 255 waives all points of order against consideration of the joint resolution.

It makes in order an amendment in the nature of a substitute, if offered by the gentleman from Michigan (Mr.

2. *Parliamentarian's Note:* The rule did not specify the text of the amendment permitted under the rule, nor did it waive any points of order against the amendment.
3. Lee Terry (Neb.).

CONYERS) or his designee, which shall be separately debatable for 1 hour, equally divided between the proponent and an opponent.

Finally, this rule provides for one motion to recommit, with or without instructions. . . .

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.⁽⁴⁾

§ 4.4 A special order-of-business resolution may provide for a joint resolution proposing a constitutional amendment to be considered in the Committee of the Whole, may make in order more than one amendment in the nature of a substitute to the joint resolution, and may provide that, if more than one such amendment is adopted, only the last such amendment adopted shall be reported to the House.

4. The House proceeded to consider the joint resolution and, after rejecting the amendment in the nature of a substitute offered by a designee of Mr. Conyers, passed the joint resolution by a vote of 300–125. 149 CONG. REC. 13497–13524 [Daily Ed. H4817–43], 108th Cong. 1st Sess., June 3, 2003. The Senate took no action on the House-passed joint resolution.

On Oct. 1, 1982,⁽¹⁾ the House considered a special order-of-business resolution reported by the Committee on Rules providing for consideration in the Committee of the Whole of a joint resolution proposing an amendment to the Constitution regarding the Federal budget process and making in order two amendments in the nature of a substitute to the joint resolution.

Mr. [Richard] BOLLING [of Missouri]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 604 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 604

Resolved, That upon adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 350) proposing an amendment to the Constitution altering Federal budget procedures, and the first reading of the joint resolution shall be dispensed with. After general debate,

1. 128 CONG. REC. 27172, 27178, 97th Cong. 2d Sess. For a similar special order-of-business resolution providing for five amendments in the nature of a substitute, see 138 CONG. REC. 14225-359, 102d Cong. 2d Sess., June 10, 1992. For more information on this type of amendment procedure, sometimes informally referred to as "king of the hill," see Ch 30 §58.5, *supra*.

which shall be confined to the joint resolution and to the amendments made in order by this resolution and shall continue not to exceed two hours, to be equally divided and controlled by a Member in favor of the joint resolution and a Member opposed, the joint resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the joint resolution shall be in order in the House or in the Committee of the Whole except the following amendments which shall be considered only in the following order and which shall not be subject to amendment but shall be debatable as provided herein:

(1) an amendment in the nature of a substitute printed in the Congressional Record of September 30, 1982, by, and if offered by, Representative Alexander of Arkansas, and said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Alexander and a Member opposed thereto; and

(2) an amendment in the nature of a substitute consisting only of the text of H.J. Res. 350 as introduced if offered by Representative Conable of New York, and said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Conable and a Member opposed thereto, and said amendment shall be in order even if the amendment designated (1) above has been adopted. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House, but only the last amendment adopted shall be considered as having been finally adopted and reported back to the House. The previous question shall be considered as ordered on the joint resolution and on the amendment if adopted to final passage

without intervening motion except one motion to recommit.

SEC. 2. The resolution (H. Res. 450) providing for the consideration of the joint resolution (H.J. Res. 350) proposing an amendment to the Constitution altering Federal budget procedures is hereby laid on the table.⁽²⁾

Mr. BOLLING. . . .

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Parliamentarian's Note: During consideration of H.J. Res. 350 pursuant to H. Res. 604, the first amendment in the nature of a

2. *Parliamentarian's Note:* H. Res. 450 was the object of a discharge petition that on Sept. 29, 1982, had received the requisite number of signatures for floor consideration. That resolution provided for consideration of H.J. Res. 350 and precluded consideration of any amendments to that joint resolution. H. Res. 604 was reported by the Committee on Rules to provide for consideration of that joint resolution under procedures allowing consideration of a specified amendment in the nature of a substitute. And, in order to provide a vote that would be the equivalent of proceeding under the discharge process, H. Res. 604 made in order an amendment consisting of the underlying text of H.J. Res. 350 that would be in order even if the first amendment in the nature of a substitute were adopted.

substitute that was made in order under the rule was not adopted, and so the second one, which contained the same text as the underlying joint resolution, was not offered. The joint resolution then failed to receive the requisite two-thirds majority for passage.⁽³⁾

§ 4.5 A special order-of-business resolution providing for consideration of a House joint resolution proposing a constitutional amendment may also discharge a House committee from consideration of a similar Senate joint resolution and make in order a motion to amend the Senate measure with the text of the House joint resolution as passed by the House.

The proceedings of Apr. 13, 1965,⁽¹⁾ are illustrative of this proposition:

3. 128 CONG. REC. 27254, 27255, 97th Cong. 2d Sess., Oct. 1, 1982.
1. 111 CONG. REC. 7931, 89th Cong. 1st Sess. A special order-of-business resolution also may prospectively make in order a motion by a Member to consider a comparable joint resolution if passed by the Senate and, if necessary, to move to strike all after the resolving clause of the Senate joint resolution and substitute the text of the House-passed joint resolution therefor. See 138 CONG. REC. 14225, 102d Cong. 2d Sess., June 10, 1992 [H. Res. 450].

Mr. [John A.] YOUNG [of Texas]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 314 and ask for its immediate consideration.

The Clerk read as follows:

HOUSE RESOLUTION 314

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office. After general debate, which shall be confined to the resolution and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the resolution shall be read for amendment under the five-minute rule. At the conclusion of such consideration the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the resolution or committee substitute. The previous question shall be considered as ordered on the resolution and amendments to final passage without intervening motion except one motion to recommit, with or without instructions. After the passage of H.J. Res. 1, the Committee on the Judiciary shall be discharged from further consideration of S.J. Res. 1, and it shall then be in order in the House to move to strike out all after the resolving clause of said Senate joint resolution and to insert the pro-

visions of H.J. Res. 1 as passed by the House.

Parliamentarian's Note: Following adoption of House Resolution 314, the House proceeded to consider House Joint Resolution 1. After agreeing to an amendment adopted by the Committee of the Whole and rejecting a motion to recommit, the House passed the measure by a vote of 386–29. Immediately following that vote, the manager of the resolution called up Senate Joint Resolution 1 for immediate consideration, as made in order by the rule, and offered an amendment to strike the text of the Senate measure and insert the text of House Joint Resolution 1 as passed by the House. The amendment was adopted by a voice vote and then the Senate joint resolution, as amended by the House, was passed by the House. The vote on passage, although a voice vote, was recorded as having carried with two-thirds of those voting having voted in the affirmative.⁽²⁾

§ 4.6 Where a special order-of-business resolution provided that general debate on a joint resolution proposing an amendment to the Constitution be divided between a

2. 111 CONG. REC. 7969, 89th Cong. 1st Sess.

Member in favor and a Member opposed, and the joint resolution had not been reported from committee, the Chairman of the Committee of the Whole recognized the ranking minority member of the committee of jurisdiction to control the time in favor and the chairman of that committee to control the time in opposition.

After the House had adopted a special order-of-business resolution providing for consideration of a joint resolution proposing an amendment to the Constitution regarding Federal budget procedures where the joint resolution had not been reported by the committee to which it had been referred (the Committee on the Judiciary) and where the special order-of-business resolution specified that time for general debate would be divided between a Member in favor and a Member opposed to the unreported joint resolution (as opposed to specifying that time for general debate would be divided between the chairman and ranking minority member of the committee of jurisdiction),⁽¹⁾ the Chairman of the Committee of the Whole accorded the time in favor of the joint reso-

lution to the ranking minority member of the committee of jurisdiction and the time opposed to the chairman of that committee.⁽²⁾

The SPEAKER.⁽³⁾ Pursuant to the provisions of House Resolution 604, the House resolves itself into the Committee of the Whole House of the State of the Union for the consideration of the joint resolution (H.J. Res. 350) proposing an amendment to the Constitution altering Federal budget procedures.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 350, with Mr. [Edward Patrick] BOLAND [of Massachusetts] in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the first reading of the joint resolution is dispensed with.

Is the gentleman from Illinois (Mr. McCLODY) in favor of the joint resolution?

Mr. [Robert] McCLODY.⁽⁴⁾ Mr. Chairman, yes, I favor House Joint Resolution 350.

The CHAIRMAN. The gentleman qualifies.

Is the gentleman from New Jersey (Mr. RODINO) opposed to the joint resolution?

1. For the text of this special order-of-business resolution, see § 4.4, *supra*.

2. 128 CONG. REC. 27178, 27179, 97th Cong. 2d Sess., Oct. 1, 1982.

3. Thomas P. O'Neill, Jr. (Mass.).

4. Mr. McClory was the ranking minority member of the Committee on the Judiciary.

Mr. [Peter W.] RODINO, [Jr.].⁽⁵⁾ I am opposed, Mr. Chairman.

The CHAIRMAN. The gentleman qualifies.

The gentleman from Illinois (Mr. McCLODY) will be recognized for 1 hour, and the gentleman from New Jersey (Mr. RODINO) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Illinois (Mr. McCLODY).⁽⁶⁾

§ 4.7 Where a special order-of-business resolution providing for consideration of a joint resolution proposing an amendment to the Constitution divided control of time for general debate among three named Members, the Chair determined that recognition for the purpose of closing debate would be accorded to the Member who was the primary sponsor of the measure.

5. Mr. Rodino was the chairman of the Committee on the Judiciary.
6. Although in this case a member of the majority controlled the time for general debate in opposition to the joint resolution and a member of the minority controlled the time in favor, a member of the minority who was opposed to the joint resolution nevertheless had priority of recognition to offer a motion to recommit, in accordance with the general rules applicable to motions to recommit. 128 CONG. REC. 27254, 27255, 97th Cong. 2d Sess., Oct. 1, 1982.

On June 10, 1992,⁽¹⁾ the House proceeded to consider a joint resolution proposing an amendment to the Constitution pursuant to the terms of a special order-of-business resolution. The special order-of-business resolution had been introduced by Mr. Charles W. Stenholm, of Texas, and was the object of a successful discharge petition filed by him. The resolution provided for general debate on the joint resolution in the Committee of the Whole to be divided among three named Members, the chairman and ranking minority member of the Committee on the Judiciary and Mr. Stenholm, the primary sponsor of the joint resolution under consideration. Although the Chair ordinarily recognizes Members to close general debate in the reverse order of opening, in this case the Chairman of the Committee of the Whole nevertheless determined that the right to close general debate in this circumstance would be accorded to Mr. Stenholm, the primary proponent of the measure.

Proceedings were as follows:

Mr. STENHOLM. Mr. Speaker, pursuant to the unanimous consent agreement offered by the gentleman from Missouri (Mr. GEPHARDT) and the

1. 138 CONG. REC. 14225, 102d Cong. 2d Sess.

order of the House of Thursday, June 4, 1992, I call up the resolution (H. Res. 450) providing for the consideration of the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation, and ask for its immediate consideration.

H. RES. 450

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation, all points of order against the joint resolution and against its consideration are hereby waived, and the first reading of the joint resolution shall be dispensed with. After general debate, which shall be confined to the joint resolution and which shall not exceed four and one-half hours, to be equally divided and controlled by Representative Brooks of Texas, Representative Fish, of New York, and Representative Stenholm of Texas, or their designees, the joint resolution shall be considered for amendment under the five-minute rule. . . .

Following adoption of the resolution, the House resolved into the Committee of the Whole to consider the joint resolution.⁽²⁾

The SPEAKER pro tempore (Mr. [G.V. (SONNY)] MONTGOMERY [(of Mis-

2. 138 CONG. REC. 14235, 102d Cong. 2d Sess.

issippi)]). Pursuant to House Resolution 450, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 290.

□ 1255

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 290, proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation, with Mr. [RAYMOND HOYT] THORNTON [Jr., of Arkansas] in the chair.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as having been read the first time.

Pursuant to the order of the House of Thursday, June 4, 1992, the gentleman from Texas [Mr. BROOKS], or his designee, the gentleman from Missouri [Mr. GEPHARDT], will be recognized for 3 hours;⁽³⁾ the gentleman from New York [Mr. FISH] will be recognized for 3 hours; and the gentleman from Texas [Mr. STENHOLM] will be

3. In the order of the House entered into pursuant to the unanimous-consent agreement providing for consideration of House Resolution 450, time for general debate on H.J. Res. 290 was increased from the four and one-half hours specified in the resolution to nine hours. 138 CONG. REC. 13617, 13618, 102d Cong. 2d Sess., June 4, 1992.

recognized for 3 hours. The Chair will attempt to rotate recognition in a manner mutually agreeable to the managers.

The Chair recognizes the gentleman from Missouri (MR. GEPHARDT).⁽⁴⁾

Richard M. Gephardt, of Missouri, the Majority Leader, was the designee of Mr. Jack Brooks, of Texas, the chairman of the Committee on the Judiciary, and was recognized first for general debate in the Committee of the Whole. Following the expiration of the debate time for Mr. Brooks and Mr. Hamilton Fish, Jr., of New York, the ranking minority member of the Committee on the Judiciary. The Chairman recognized Mr. Stenholm to close debate.

The CHAIRMAN pro tempore.⁽⁵⁾ . . .

The Chair recognizes the gentleman from Texas (MR. STENHOLM) to close debate.⁽⁶⁾

Discharge Petition With Respect to Joint Resolution Proposing an Amendment to the Constitution

§ 4.8 A joint resolution proposing an amendment to the Constitution may be the ob-

4. *Id.* at p. 14235.

5. Kweisi Mfume (Md.).

6. 117 CONG. REC. 14331, 102d Cong. 2d Sess.

ject of a discharge petition, as in the case of any other measure, and a discharge petition with respect to such a joint resolution need garner only 218 signatures, a majority of the total membership of the House, as in the case of any other measure.

Following the introduction of a joint resolution proposing an amendment to the Constitution and after the completion of the requisite period of time, Mr. Chalmers P. Wylie, of Ohio, filed a discharge petition on the measure pursuant to Rule XXVII clause 3.⁽¹⁾ The discharge petition received the requisite number of signatures on Sept. 21, 1971.⁽²⁾

The motion was as follows:

MOTION TO DISCHARGE COMMITTEE

APRIL 1, 1971.

To the CLERK OF THE HOUSE OF REPRESENTATIVES:

Pursuant to clause 4 of rule XXVII⁽³⁾ I, CHALMERS P. WYLIE, move to discharge the Committee on the Judiciary

1. This rule was later renumbered as Rule XV clause 2, *House Rules and Manual* § 892 (2007).
2. 117 CONG. REC. 32576, 32577, 92d Cong. 1st Sess.
3. *Parliamentarian's Note*: During its deliberations preparatory to the convening of the 98th Congress (1983-85) with respect to changes to the standing rules of the House for that

from the consideration of the joint resolution (H.J. Res. 191) entitled "A joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings," which was referred to said committee January 22, 1971, in support of which motion the undersigned Members of the House of Rep-

Congress, the Democratic Caucus (the majority membership for that Congress) considered and rejected a change to the House Rules to provide that, with respect to any joint resolution proposing an amendment to the Constitution, two-thirds of the House membership (rather than a majority) would be the requisite number for signatures on a discharge petition, as well as for adoption of a special order-of-business resolution providing for consideration of such a joint resolution. On Jan. 3, 1983, the date of the convening of the 98th Congress, the Majority Leader, James C. Wright, Jr., of Texas, in explaining to the House the proposed changes in the standing rules recommended by the majority party caucus, made the following statement: "I should announce at the outset for the benefit of any of those who are unfamiliar with the fact that [an additional] change was considered by the Democratic Caucus. . . . That proposal which was omitted was the one which would have required that two-thirds of the Members should have the requisite signatures on a discharge petition in order to discharge a constitutional amendment from the committee of jurisdiction." 129 CONG. REC. 35, 98th Cong. 1st Sess.

representatives affix their signatures, to wit:

1. Chalmers P. Wylie.
2. John E. Hunt. . . .
217. Floyd V. Hicks.
218. Charles J. Carney.

§ 4.9 Upon adoption of a motion to discharge a committee from consideration of a public bill or resolution (including a joint resolution proposing an amendment to the Constitution) following the securing of the requisite number of signatures on a discharge petition, a motion to proceed to the immediate consideration of the measure is privileged, if made by a Member who signed the discharge petition, and is decided without debate.

On Nov. 8, 1971,⁽¹⁾ Speaker Carl Albert, of Oklahoma, recognized a signatory to a successful discharge petition⁽²⁾ to move to discharge the Committee on the Judiciary from further consideration of a joint resolution proposing an amendment to the Constitution.

The proceedings were as follows:

PRAYER AMENDMENT

Mr. [Chalmers P.] WYLIE [of Ohio].
Mr. Speaker, pursuant to clause 4, rule

1. 117 CONG. REC. 39885, 39886, 92d Cong. 1st Sess.
2. See § 4.8, *supra*.

XXVII,⁽³⁾ I call up motion No. 1 to discharge the Committee on the Judiciary from the further consideration of House Joint Resolution 191, a proposed amendment to the Constitution of the United States relative to the offering of prayer in public buildings.

The SPEAKER. Did the gentleman sign the motion?

Mr. WYLIE. Yes, Mr. Speaker, I signed the motion.

The SPEAKER. The gentleman from Ohio calls up a motion to discharge the Committee on the Judiciary from the further consideration of the joint resolution (H.J. Res. 191) which the Clerk will report by title.

The Clerk read the title of the joint resolution. . . .

PRAYER AMENDMENT

The SPEAKER. Under the rule, the gentleman from Ohio (Mr. WYLIE) will be recognized for 10 minutes, and the gentleman from New York (Mr. CELLER) will be recognized for 10 minutes.

The motion to discharge was debated and agreed to. The Speaker then recognized the same Member to offer a motion that the House proceed to consider the measure.⁽⁴⁾

Mr. WYLIE. Mr. Speaker, pursuant to the provisions of clause 4, rule XXVII, I move that the House now proceed to the immediate consideration of House Joint Resolution 191.

3. Now Rule XV clause 2, *House Rules and Manual* § 892 (2007).

4. 117 CONG. REC. 39889, 92d Cong. 2d Sess., Nov. 8, 1971.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read the joint resolution as follows:

H.J. RES. 191

Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

“ARTICLE—

“SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

“SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.”

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. WYLIE).

The motion was agreed to.

§ 4.10 A joint resolution proposing an amendment to the

Constitution is considered in the House, not in the Committee of the Whole, when considered in consequence of a discharge petition.

On July 24, 1979,⁽¹⁾ the requisite number of signatures having been obtained, the House agreed to a motion to discharge the Committee on the Judiciary from further consideration of House Joint Resolution 74, proposing an amendment to the Constitution regarding school busing. The House having adopted that motion, it was then in order for a Member who had signed the motion to discharge to move that the House proceed to the immediate consideration of the joint resolution. Proceedings after the motion to discharge was agreed to were as follows:

Mr. [Ronald M.] MOTTTL [of Ohio].
Mr. Speaker, pursuant to the provisions of clause 4, rule 2,⁽²⁾ and the

1. 125 CONG. REC. 20358, 20362, 96th Cong. 1st Sess. In general, joint resolutions proposing constitutional amendments are not required to be considered in the Committee of the Whole. 8 Cannon's Precedents §2395.
2. *Parliamentarian's Note*: Although the Congressional Record states that Mr. Mottl's motion referred to "clause 4, rule 2," the reference clearly should have been to "clause 4, rule 27," the "Discharge Rule,"

order of the House of June 28, 1979, I move that the House proceed to the immediate consideration of House Joint Resolution 74.

The SPEAKER.⁽³⁾ The question is on the motion offered by the gentleman from Ohio (Mr. MOTTTL).

The motion was agreed to. . . .

The Clerk read the joint resolution. . . .

The SPEAKER. The gentleman from Ohio (Mr. MOTTTL) is recognized for 1 hour.

§ 4.11 A joint resolution proposing an amendment to the Constitution that is considered pursuant to a successful motion to discharge the committee of jurisdiction is susceptible to the motion to recommit.

On Aug. 10, 1970,⁽¹⁾ Mrs. Martha W. Griffiths, of Michigan, moved to discharge the Committee on the Judiciary from the further consideration of House Joint Resolution 264, the requisite number of signatures having been obtained for such a motion to be in order. After an affirmative vote on the motion to discharge, a subsequent affirmative vote on a motion for immediate consideration

now Rule XV clause 2, *House Rules and Manual* §892 (2007). See Mr. Mottl's discharge motion,

3. Thomas P. O'Neill, Jr. (Mass.).
1. 116 CONG. REC. 27999, 28000, 28004, 28036, 91st Cong. 2d Sess.

of the joint resolution, and debate on the joint resolution, Mr. William M. McCulloch, of Ohio, moved to recommit the joint resolution to the Committee on the Judiciary.

The proceedings in the House were as follows:

Mrs. GRIFFITHS. Mr. Speaker, pursuant to clause 4, rule XXVII, I call up motion No. 5, to discharge the Committee on the Judiciary from the further consideration of House Joint Resolution 264, proposing an amendment to the constitution of the United States relative to equal rights for men and women.⁽²⁾

The SPEAKER.⁽³⁾ Did the gentleman sign the motion?

Mrs. GRIFFITHS. Yes, Mr. Speaker, I signed the motion.

The SPEAKER. The gentlewoman qualifies. The gentlewoman from Michigan calls up a motion to discharge the Committee on the Judiciary from the further consideration of the joint resolution (House Joint Resolution 264) which the Clerk will report by title.

The Clerk read the title of the joint resolution.

2. The motion to discharge obtained the requisite 218 signatures and was entered on the Discharge Calendar on July 20, 1970, pursuant to Rule XXVII clause 4. *House Rules and Manual* § 908 (1969) [now Rule XV clause 2, *House Rules and Manual* § 892 (2007)]. 116 CONG. REC. 24999, 25000, 91st Cong. 1st Sess., July 20, 1970.
3. John W. McCormack (Mass.).

PARLIAMENTARY INQUIRY

Mr. [Emanuel] CELLER.⁽⁴⁾ [of New York]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CELLER. Mr. Speaker, I understand the rule provides for 20 minutes of debate, 10 minutes on either side. Is it correct that the chairman of the Judiciary Committee, being opposed to the discharge petition, will be allocated 10 minutes?

The SPEAKER. The gentleman's statement is correct that the rule provides for 20 minutes of debate, 10 minutes on each side. If the gentleman from New York (MR. CELLER) is opposed to the motion, the Chair will recognize him for 10 minutes.

Is the gentleman opposed to the motion?

Mr. CELLER. I am opposed to the motion, Mr. Speaker.

The SPEAKER. Under the rule, the gentlewoman from Michigan (Mrs. GRIFFITHS) will be recognized for 10 minutes, and the gentleman from New York (MR. CELLER) will be recognized for 10 minutes. . . .

The gentlewoman from Michigan (Mrs. GRIFFITHS) is recognized for 10 minutes.

Mrs. GRIFFITHS. . . .

I ask you, Mr. Speaker, to support the discharge motion; to vote for the motion for immediate consideration; to support the previous question; to vote against any motion to recommit with or without instructions and to vote for the amendment. . . .

4. Mr. Celler was the chairman of the Committee on the Judiciary.

The SPEAKER. The question is on the motion offered by the gentlewoman from Michigan (Mrs. GRIFFITHS) to discharge the Committee on the Judiciary from further consideration of House Joint Resolution 264. . . .

So the motion to discharge was agreed to. . . .

Mrs. GRIFFITHS. Mr. Speaker, pursuant to the provisions of clause 4, rule XXVII, I move that the House proceed to the immediate consideration of House Joint Resolution 264.

The SPEAKER. The question is on the motion offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

The motion was agreed to.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

H.J. RES. 264

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

“ARTICLE —

“SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

“SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States.

“SEC. 3. This amendment shall take effect one year after the date of ratification.”

The SPEAKER. The gentlewoman from Michigan is recognized for 1 hour. . . .

Mrs. GRIFFITHS. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time and was read a third time.

The SPEAKER. The question is on the passage of the joint resolution.

MOTION TO RECOMMIT

Mr. [William M.] MCCULLOCH [of Ohio]. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. MCCULLOCH. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MCCULLOCH moves that House Joint Resolution 264 be recommitted to the Committee on the Judiciary with instructions that said committee shall promptly hold appropriate hearings thereon. . . .

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it. . . .

So the motion to recommit was rejected.

Discharge of Special Rule

§ 4.12 When there has been pending before the Committee on the Judiciary for the requisite period a joint resolution proposing an amendment to the Constitution, a special order-of-business resolution providing for consideration of that joint resolution that has been pending before the Committee on Rules for the requisite time may be the object of a discharge petition.

On Dec. 14, 1937,⁽¹⁾ proceedings in the House relative to the referral of a discharge motion to the discharge calendar were as follows:

MOTION TO DISCHARGE COMMITTEE
APRIL 6, 1937.

To the Clerk of the House of Representatives:

Pursuant to clause 4 of rule XXVII, I, Hon. LOUIS LUDLOW, move to discharge the Committee on Rules from the consideration of the resolution (H. Res. 165) entitled "A resolution to make House Joint Resolution 199, a joint resolution proposing an amendment to the Constitution of the United States to provide for a referendum on war, a special order of business," which was referred to said committee March 24, 1937, in support of which motion

1. 82 CONG. REC. 1517, 1518, 75th Cong. 2d Sess.

the undersigned Members of the House of Representatives affix their signatures, to wit:

1. Louis Ludlow. . . .

218. Dudley White.

This motion was entered upon the Journal, entered in the CONGRESSIONAL RECORD with signatures thereto, and referred to the Calendar of Motions to Discharge Committees, December 14, 1937.

After Mr. Hamilton Fish, of New York, announced to the House that the petition had received the requisite 218 signatures, the following exchange took place:⁽²⁾

Mr. LUDLOW [of Indiana]. Mr. Speaker, I have just arrived in the Chamber. I understand the gentleman from New York has announced the completion of the signing of names to the discharge petition to bring before the House the resolution (H. J. Res. 199) which proposes to give the people of America the right to vote on participation in foreign wars. . . .

Mr. [Hatton W.] SUMNERS [of Texas]. Mr. Speaker, will the gentleman yield?

MR. LUDLOW. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. Can the gentleman tell me how much time is allowed for discussion under the rule?

Mr. LUDLOW. I may say to the gentleman the petition has been filed so long I have almost forgotten the terms of the resolution, but I believe the rule provides for 6 hours of debate. . . .

2. *Id.* at pp. 1516, 1517.

Mr. SUMNERS of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.⁽³⁾ The gentleman will state it.

Mr. SUMNERS of Texas. How much time is allowed for debate on a motion to discharge a committee from further consideration of a measure?

The SPEAKER. The Chair may state, in answer to the inquiry of the gentleman from Texas, that under the discharge rule only 20 minutes are allowed on the motion to discharge the Committee on Rules from the consideration of the resolution, one-half controlled by those in favor of and one-half those opposed to the motion to discharge the committee.

The Chair has before him the resolution pending before the Committee on Rules and observes that the resolution itself provides not to exceed 6 hours of general debate in the event the matter should be considered.

Mr. [William I.] SIROVICH [of New York]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIROVICH. If the Ludlow resolution comes before the House and a vote is finally taken, is a two-thirds vote of the House required to pass the resolution?

The SPEAKER. Under the Constitution of the United States any proposal to amend the Constitution requires a two-thirds vote of the House of Representatives.

Mr. SIROVICH. Therefore, in order to pass the Ludlow resolution the House will have to pass it by a two-thirds vote?

The SPEAKER. Undoubtedly.

Mr. [Wright] PATMAN [of Texas]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PATMAN. It is my understanding this resolution may come up on the second or fourth Monday of the month, providing 7 legislative days have elapsed before such second or fourth Monday. This being so, the resolution could not come up for consideration until the second Monday in January, in view of the fact that the fourth Monday in December will be the 27th.

The SPEAKER. The Chair may state to the gentleman the Chair has no calendar before him, but it is a matter of calculation. The Chair may say further the 7 days begin to run as of this date.

Mr. PATMAN. It is improbable we shall be in session on the 27th.

The SPEAKER. The Chair can make no statement as to that.

Mr. [John J.] O'CONNOR of New York. Mr. Speaker, am I correct in understanding this discharge petition is aimed at the Committee on Rules?

The SPEAKER. The resolution seems to be aimed in that direction.

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, this is another example of the anomalous situation caused by the method of legislating by petition. There is a great deal of confusion about that in the minds of representatives of the press as well as Members of the

3. William B. Bankhead (Ala.).

House. The Committee on Rules was never intended to be included in any such discharge rule, because no bills are ever before the Committee on Rules. It is not a legislative committee. For instance, the committee has never heard of this matter. The bill has not been reported by the Committee on the Judiciary. How the Rules Committee can be discharged in any reasonable or parliamentary sense I cannot imagine.

Take the case of the wage and hour bill. That bill was pending on the calendar and would have been reached in the ordinary course of the business of the House. I do not know yet from what the Rules Committee was discharged; but as to this monstrosity, the present petition, this bill is still pending in the Committee on the Judiciary; it has never come before the Rules Committee, which has never heard or had any knowledge of it. How the Committee on Rules can be discharged from the consideration of such a bill I cannot divine. Nor can I conceive of any reason for the existence of such an anomalous parliamentary procedure.

Mr. SNELL and Mr. LUDLOW rose.

Mr. O'CONNOR of New York. I yield to the gentleman from New York.

Mr. [Bertrand H.] SNELL [of New York]. The gentleman has stated the parliamentary inquiry I was about to submit to the Speaker with respect to how they can discharge the Rules Committee from the consideration of this bill.

Mr. O'CONNOR of New York. Well, we are living in strange days of parliamentary procedure, I will admit.

Mr. LUDLOW. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. LUDLOW. I may say to the gentleman from New York that the rules of the House are elaborately set forth in the book of rules. This is one of the rules of the House and we are following a perfectly proper parliamentary procedure.

Mr. O'CONNOR of New York. Why did not the gentleman direct his petition against the recalcitrant committee which has his bill? [Laughter.]

Mr. SNELL. I do not understand how we can discharge the Rules Committee when the bill is before the Judiciary Committee and there is nothing pending before the Committee on Rules.⁽⁴⁾

The motion to discharge was not called from the calendar until after the third session of the 75th Congress had convened.

On Jan. 10, 1938,⁽⁵⁾ proceedings relative to this matter were as follows:

REFERENDUM ON WAR

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. LUDLOW].

Mr. LUDLOW. Mr. Speaker, pursuant to rule XXVII, I call up the motion

4. *Parliamentarian's Note*: Although the joint resolution proposing a constitutional amendment was not directly before the Committee on Rules, the motion to discharge was directed at a simple resolution proposing to provide for consideration of the joint resolution that had been referred to that committee.

5. 83 CONG. REC. 276-283, 75th Cong. 3d Sess.

to discharge the Committee on Rules from further consideration of House Resolution 165.

The SPEAKER. The gentleman from Indiana calls up a resolution, which the Clerk will report by title.

The Clerk read as follows:

Resolution to make House Joint Resolution 199, a joint resolution proposing an amendment to the Constitution of the United States to provide for a referendum on war, a special order of business.

The resolution is as follows:

Resolved, That upon the day succeeding the adoption of this resolution a special order be, and is hereby, created by the House of Representatives for the consideration of House Joint Resolution 199, a public resolution which has remained in the Committee on the Judiciary for 30 or more days without action. That such special order be, and is hereby, created, notwithstanding any further action on said joint resolution by the Committee on the Judiciary or any rule of the House. That on said day the Speaker shall recognize the Representative from Indiana, LOUIS LUDLOW, to call up House Joint Resolution 199, a joint resolution proposing an amendment to the Constitution of the United States to provide for a referendum on war, as a special order of business, and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of said House Joint Resolution 199. After general debate, which shall be confined to the joint resolution and shall continue not to exceed 6 hours, to be equally divided and controlled by the Member of the House requesting the rule for the consideration of said House Joint Resolution 199 and the Member of the House who is opposed to the said House Joint Resolution 199, to be

designated by the Speaker, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and the amendments thereto to final passage without intervening motion, except one motion to recommit. The special order shall be a continuing order until the joint resolution is finally disposed of. . . .

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. LUDLOW] to discharge the Committee on Rules from further consideration of the resolution (H. Res. 165).

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. LUDLOW. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 188, nays 209, answered “present” 4, not voting, 30[.] . . .

So the motion was rejected.

§ 4.13 After the requisite 218 Members have signed a petition to discharge the Committee on Rules from consideration of a special order-of-business resolution providing for consideration of a joint resolution proposing an amendment to the Constitution but before the call of the Discharge Calendar, the House may consider the resolution by unanimous consent.

On May 20, 1992,⁽¹⁾ a motion to discharge the Committee on Rules from further consideration of a resolution providing for consideration of a joint resolution proposing a constitutional amendment received the requisite number of signatures.

The motion was as follows:

MOTION TO DISCHARGE A COMMITTEE

MAY 20, 1992

TO THE CLERK OF THE HOUSE OF REPRESENTATIVES:

Pursuant to clause 4, rule XXVII, I, CHARLES W. STENHOLM, move to discharge the Committee on Rules from the consideration of the resolution (H. Res. 450) providing for the consideration of the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation, which was referred to said committee May 6, 1992, in support of which motion the undersigned Members of the House of Representatives affix their signatures, to wit:

1. Charles W. Stenholm.
2. Robert F. (Bob) Smith. . . .
217. Jim Chapman.
218. Timothy J. Penny.

Before the motion to discharge became eligible to be called up on a day when such business was in order,⁽²⁾ the House, by unanimous

1. 138 CONG. REC. 12222, 12223, 102d Cong. 2d Sess.
2. Under former Rule XXVII clause 3 (current Rule XV clause 2), discharge

consent, dispensed with such business and provided for consideration of the resolution under terms similar to those specified in the discharge petition.⁽³⁾

The unanimous-consent request for such consideration was as follows:

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, I ask unanimous consent that the business in order pursuant to clause 3 of rule XXVII on Monday, June 8, 1992, be dispensed with, and that it be in order on Wednesday, June 10, 1992, for Representative STENHOLM or his designee, to call up House Resolution 450 for consideration under the same terms as if discharged from the Committee on Rules pursuant to clause 3 of rule XXVII.

Further, I ask unanimous consent that the period of general debate provided for in House Resolution 450, if adopted, be expanded to 9 hours, to be equally divided and controlled by Representative BROOKS of Texas, Representative FISH of New York, and Representative STENHOLM of Texas, or their designees.

The SPEAKER pro tempore.⁽⁴⁾ Is there objection to the request of the gentleman from Missouri?

petitions that have received 218 signatures and have laid over on the calendar of motions to discharge for seven legislative days may be called up on the second or fourth Mondays of each month. *House Rules and Manual* § 892 (2007).

3. 138 CONG. REC. 13617, 13618, 102d Cong. 2d Sess., June 4, 1992.
4. Allen B. Swift (Wash.).

Mr. [Charles] STENHOLM [of Texas]. Mr. Speaker, reserving the right to object, it is not my intent to object. I would like to ask the majority leader if I am correct in my understanding that this unanimous-consent agreement will allow for the consideration of the leading balanced budget constitutional amendment under the rule, House Resolution 450, exactly as outlined in House Resolution 450, the rule discharged on May 20, with two exceptions:

No. 1, the general debate will be increased to 9 hours, with the division of time maintained proportionally as it is in House Resolution 450; and No. 2, consideration of this matter will begin on Wednesday, June 10, rather than the discharge day of Monday, June 8.

Would the gentleman please confirm this understanding?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, that is correct.

Mr. STENHOLM. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

On June 10, 1992, the House proceeded to consider both the special order-of-business resolution and the joint resolution proposing the constitutional amendment.⁽⁵⁾

§ 4.14 After the requisite 218 Members sign a petition to

5. Proceedings carried at § 4.7, *supra*.

discharge the Committee on Rules from further consideration of a special order-of-business resolution providing for consideration of a joint resolution proposing an amendment to the Constitution but before the call of the Discharge Calendar, that committee may report another special order-of-business resolution providing for consideration of the subject joint resolution and laying on the table the special order-of-business resolution that is the object of the motion to discharge.

On Sept. 29, 1982,⁽¹⁾ Discharge Petition 18, petitioning for discharge of the Committee on Rules from further consideration of H. Res. 450, received the requisite number of signatures for placement on the Discharge Calendar. The petition was as follows.

SEPTEMBER 29, 1982.

To the CLERK OF THE HOUSE OF REPRESENTATIVES.

Pursuant to clause 4 of rule XXVII, I, BARBER B. CONABLE, JR., [of New York] move to discharge the Committee on Rules from the consideration of the resolution (H. Res. 450) entitled, "A resolution providing for the consideration of the resolution (H.J. Res.

1. 128 CONG. REC. 26127, 26128, 97th Cong. 2d Sess.

350) proposing an amendment to the Constitution altering Federal budget procedures” which was referred to said committee May 4, 1982, in support of which motion the undersigned Members of the House of Representatives affix their signatures, to wit:

1. Barber B. Conable, Jr. . . .

218. Charles Pashayan.

H. Res. 450, a resolution providing for the consideration of the resolution (H.J. Res. 350) proposing an amendment to the Constitution altering Federal budget processes, had been introduced by Mr. Conable on May 4, 1982, and referred to the Committee on Rules.⁽²⁾

Having received the requisite number of signatures, the motion to discharge was placed on the Discharge Calendar on Sept. 29, 1982. However, under Rule XXVII clause 4⁽³⁾ the motion could not be called up until the second or fourth Monday of the month after having been on that calendar for at least seven days. Because of a planned adjournment for the November 1982 congressional election, the motion would not have been eligible to be called up until after the election. Because the subject of the proposed constitutional amendment, the so-called

“Balanced Budget Amendment,” was a matter of significant public interest and there was concern that the President might call Congress back into session to force a vote on the matter before the election, the Committee on Rules reported a special order-of-business resolution allowing for consideration of the proposed constitutional amendment before the planned adjournment but on terms different from those provided in H. Res. 450, the object of the discharge petition.

On Oct. 1, 1982,⁽⁴⁾ the House considered H. Res. 604, which (1) provided for consideration of H.J. Res. 350, and (2) laid on the table H. Res. 450, the object of the discharge petition. The text of H. Res. 604 is set forth in §4.4, *supra*.

The Amendment Process

§ 4.15 A motion to recommit a bill reported by one committee with instructions to report the bill back to the House in the form of a joint resolution proposing to amend the Constitution to accomplish the purpose of the bill was held not in order on the ground that the instructions were not germane,

2. 128 CONG. REC. 8659, 97th Cong. 2d Sess.

3. Now Rule XV clause 2, *House Rules and Manual* § 892 (2007).

4. 128 CONG. REC. 27172, 27178, 97th Cong. 2d Sess.

inasmuch as a constitutional amendment would lie within the jurisdiction of another committee.

On July 26, 1949,⁽¹⁾ the House was considering H.R. 3199, making unlawful the requirement for the payment of a poll tax. The bill had been reported by the Committee on House Administration. A motion was offered to recommit the bill to that committee with instructions that would have converted the bill into a joint resolution proposing to amend the Constitution. A point of order was made against the motion. The

Speaker, Sam Rayburn, of Texas, ruled that the motion was not in order as the instructions were not germane as such instructions addressed matter within the jurisdiction of the Committee on the Judiciary.

The proceedings in the House were as follows:

Mr. [Robert] HALE [of Maine]. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HALE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HALE moves to recommit the bill H.R. 3199 to the Committee on House Administration with directions that they report the legislation back to the House in the form of a joint resolution amending the Constitution to make illegal payment of poll taxes as a qualification for voting.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. I make the point of order that the language which is carried in the motion to recommit is not germane to the bill. The motion calls for a constitutional amendment.

The SPEAKER. The Chair is inclined to agree with the gentleman for the simple reason that a constitutional amendment involving this question would lie within the jurisdiction of the Committee on the Judiciary and not within the Committee on House Administration.⁽²⁾ The Chair sustains the point of order.

1. 95 CONG. REC. 10247, 81st Cong. 1st Sess. See also Ch. 28, §23.8, *supra*. In addition, when a proposed constitutional amendment concerning one subject is under consideration, an amendment to address another subject is not in order under House Rule XVI clause 7 *House Rules and Manual* §928 (2007) (the “germaneness rule”). See, e.g., 151 CONG. REC. p. _____ [Daily ed. H4924–H4926], 109th Cong. 1st Sess., June 22, 2005 (amendments regarding the budget of the United States Government and a Social Security trust fund offered to a proposed constitutional amendment regarding physical desecration of the flag); 117 CONG. REC. 35813, 35814, 92d Cong. 1st Sess., Oct. 12, 1971 (amendment proposing to add “race, creed or color” to a proposed constitutional amendment regarding equality of rights on account of sex).

2. For discussion of committee jurisdiction, see §3, *supra*.

§ 4.16 Where a joint resolution is under consideration in the House and the Member controlling the time yields to another Member for the purpose of amendment, a third Member seeking to move the previous question on the joint resolution is entitled to recognition for that purpose in preference to the Member seeking to offer the amendment.

On Nov. 8, 1971,⁽¹⁾ the House, pursuant to a motion to discharge, was considering in the House the joint resolution, H.J. Res. 191, proposing an amendment to the Constitution relative to non-denominational prayer in public buildings. The manager, Chalmers P. Wylie, of Ohio, yielded to another Member for the purpose of offering an amendment, whereupon Mr. Emanuel Celler, of New York, moved the previous question on the joint resolution. Because the motion for the previous question is preferential to the motion to amend, the Speaker⁽²⁾ first recognized Mr. Celler.

The proceedings were as follows:

Mr. WYLIE. Mr. Speaker, I yield to the gentleman from Alabama (Mr. BU-

1. 117 CONG. REC. 39945, 92d Cong. 1st Sess.
2. Carl Albert (Okla.).

CHANAN) for the purpose of offering an amendment.

Mr. [John] BUCHANAN. Mr. Speaker, I have an amendment at the desk.

The SPEAKER. Does the gentleman realize he will lose control of the time?

Mr. WYLIE. The gentleman realizes he loses control of the time. I do yield to the gentleman from Alabama for the purpose of offering an amendment.

The SPEAKER. The gentleman has yielded the floor.

MOTION OFFERED BY MR. CELLER

Mr. CELLER. Mr. Speaker, I move the previous question on House Joint Resolution 191.

The SPEAKER. The motion is completely and highly privileged and is in order.

PARLIAMENTARY INQUIRY

Mr. [Gerald R.] FORD [of Michigan]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. Gerald R. FORD. Mr. Speaker, if the previous question is voted down, does that permit the offering of an amendment by the gentleman from Alabama (Mr. BUCHANAN)?

The SPEAKER. If it is voted down, any proper motion can be made.

The question is on the motion offered by the gentleman from New York (Mr. CELLER).

The motion was rejected.

AMENDMENT OFFERED BY MR. BUCHANAN

Mr. BUCHANAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: Page 2, lines 1 and 2, strike

out the word “nondenominational” and insert in lieu thereof the word “voluntary”; and on page 2, line 2, strike out the period and add the words “or meditation.”⁽³⁾

§ 4.17 When the resolving clause of a joint resolution proposing an amendment to the Constitution is not in the requisite form, an amendment offered from the floor included a correction to the resolving clause.

On June 11, 1992,⁽¹⁾ the House proceeded to consider a joint resolution proposing an amendment to the Constitution relating to providing for a balanced budget. The resolving clause of the resolution was not in the requisite form.⁽²⁾

The proceedings were as follows:

3. The House adopted the amendment offered by Mr. Buchanan and then rejected the joint resolution. 117 CONG. REC. 39945, 39957, 39958, 92d Cong. 1st Sess., Nov. 8, 1971.
1. 138 CONG. REC. 14392, 14393, 102d Cong. 2d Sess.
2. The form for the resolving clause of joint resolutions is set forth in section 102 of title 1, United States Code. By usage, the resolving clause for a joint resolution proposing an amendment to the Constitution includes a parenthetical statement as follows: “(two-thirds of each House concurring therein).” See § 2, *supra*.

PROPOSING AN AMENDMENT TO THE CONSTITUTION TO PROVIDE FOR A BALANCED BUDGET

The SPEAKER pro tempore (Mr. McNULTY).⁽³⁾ Pursuant to House Resolution 450, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 290).

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution, (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation, with Mr. [RAYMOND] THORNTON [Jr., of Arkansas] in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 10, 1992, all time for general debate had expired.

Without objection, the joint resolution is considered as having been read under the 5-minute rule.

There was no objection.

The text of House Joint Resolution 290 is as follows:

H.J. RES. 290

Resolved [sic],

ARTICLE—.

SECTION 1. Prior to each fiscal year, the Congress and the President

3. Michael R. McNulty (N.Y.).

shall agree on an estimate of total receipts for the fiscal year by enactment of a law devoted solely to that subject. Total outlays for that year shall not exceed the level of estimated receipts set forth in such law, unless three-fifths of the whole number of each House of Congress shall provide, by a rollcall vote, for a specific excess of outlays over estimated receipts. . . .

The CHAIRMAN. No amendments to the joint resolution are in order except the following amendments, which shall be considered only in the following order, which shall not be subject to amendment, and which shall be debatable for 60 minutes, equally divided and controlled by the proponent and an opponent of the amendment:

First, an amendment in the nature of a substitute offered by the gentleman from New York [Mr. FISH] or his designee; . . .

Fifth, an amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM] or his designee[.]

The amendment in the nature of a substitute offered by Mr. Charles W. Stenholm, of Texas, included a correction to the form of the resolving clause and added, before the text of the proposed amendment itself, the customary text proposing the matter to the States.⁽⁴⁾

4. The form of the amendment in the nature of a substitute offered by Mr. Stenholm differed from that typically used in the case of an amendment in the nature of a substitute in that it did not propose to “strike all after

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STENHOLM: Strike all after the word “Resolved” and insert the following:

by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

“ARTICLE—

“SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote. . . .

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 30 minutes, and a Member opposed, the

the resolving clause” and insert new text. Rather, in this case, the amendment proposed to “strike all after the word ‘Resolved’” and insert new text. That formulation allowed for the addition of new text as part of (and at the end of) the resolving clause. 138 CONG. REC. 14435, 102d Cong. 2d Sess., June 11, 1992.

gentleman from California [Mr. PANNETTA], the chairman of the Committee on the Budget, will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

§ 5. Voting

Under Article V of the Constitution, passage of a joint resolution proposing an amendment to the Constitution requires a two-thirds majority of each House.⁽¹⁾ Such a joint resolution may be passed by each House only with a quorum present. During consideration of such a joint resolution by either House, only a simple majority (not a two-thirds majority) is required for adoption of an amendment to the joint resolution, including an amendment to the text of the proposed amendment to the Constitution itself. The Chair puts the question on final passage of such a joint resolution first to a voice vote, as the yeas and nays are not required.

1. The relevant portion of Article V reads as follows: "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution. . . ."

Vote Required on Final Passage

§ 5.1 The vote required in the House for adoption of a joint resolution proposing an amendment to the Constitution is two-thirds of those Members present and voting, a quorum being present, and not two-thirds of the total membership.

On Sept. 18, 1969,⁽¹⁾ the House was considering H.J. Res. 681, proposing an amendment to the Constitution relating to the election of the President and Vice President. After consideration was completed, the Speaker⁽²⁾ put the question on passage. The Speaker then responded to parliamentary inquiries as follows:

The SPEAKER. The question is on the passage of the joint resolution.

PARLIAMENTARY INQUIRIES

Mr. [Durward] Hall [of Missouri]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HALL. Mr. Speaker, in view of article V of the Constitution, am I correct in my calculation that it requires 289 Members voting for passage?

The SPEAKER. The answer to the gentleman's parliamentary inquiry is

1. 115 CONG. REC. 26007, 91st Cong. 1st Sess.
2. John W. McCormack (Mass.).

that it requires two-thirds of the Members present and voting thereon, a quorum being present.

Mr. HALL. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, is this consistent with article V which says:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution.

Would that be two-thirds of the total membership or two-thirds of those present and voting?

The SPEAKER. In accordance with the precedents of the House⁽²⁾ and decisions of the Supreme Court,⁽³⁾ it requires two-thirds of those present and voting thereon, a quorum being present.

The Chair's response to the gentleman's parliamentary inquiry is that it requires two thirds of those present and voting thereon, a quorum being present.

The question is on the passage of the joint resolution.

§ 5.2 A two-thirds vote is required to pass a joint resolution proposing an amendment to the Constitution when the joint resolution is considered under the discharge process.

2. See, *e.g.*, 5 Hinds' Precedents §§7027, 7029, 7030 and 8 Cannon's Precedents §3503.
3. See, *e.g.*, National Prohibition Cases, 253 U.S. 350 (1920).

On Dec. 14, 1937,⁽¹⁾ Speaker William B. Bankhead, of Alabama, in response to a parliamentary inquiry, stated that the requirement for a two-thirds vote to pass a joint resolution proposing a constitutional amendment applied even when the joint resolution was the object of a successful discharge petition. The proceedings are discussed in § 4.12, *supra*.

Vote Required to Amend Joint Resolution

§ 5.3 An amendment to a joint resolution proposing an amendment to the Constitution is adopted by a majority vote.

On Feb. 24, 1931,⁽¹⁾ the House was considering H. J. Res. 292, a joint resolution proposing an amendment to the Constitution addressing the assembly of Congress. The Speaker,⁽²⁾ in response to a parliamentary inquiry, stated that only a majority of the House (and not two-thirds) was required to adopt an amendment to the joint resolution.

The SPEAKER. The previous question is ordered under the rule.

1. 82 CONG. REC. 1517, 75th Cong. 2d Sess.
1. 74 CONG. REC. 5906, 71st Cong. 3d Sess. See also 5 Hinds' Precedents §7031 (point of order) and 8 Cannon's Precedents §3504 (parliamentary inquiry).
2. Nicholas Longworth (Ohio).

The question is on the amendment.

MR. [LAMAR] JEFFERS [OF ALABAMA]
AND MR. [CHARLES] CRISP [of Georgia]
demanded the yeas and nays.

The yeas and nays were ordered.

Mr. [John] KETCHAM [of Michigan].
Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will
state it.

Mr. KETCHAM. Will the Chair
please advise the Members by what
majority the amendment would have to
carry? Is a two-thirds majority nec-
essary?

The SPEAKER. No; a majority is
only necessary on an amendment.

Yeas and Nays Not Required

**§ 5.4 The yeas and nays are not
required on the question of
passing a joint resolution
proposing an amendment to
the Constitution.**

On Mar. 9, 1928,⁽¹⁾ the Speaker,
Nicholas Longworth, of Ohio, re-
sponded to an inquiry by Mr.
John Q. Tilson, of Connecticut, as
to whether the yeas and nays
were required on joint resolutions
proposing amendments to the
Constitution, as follows:

The SPEAKER. There is no rule
which provides for a yea-and-nay vote,
and the Chair will quote from the
Manual, section 224:⁽²⁾

Ayes and nays not required to pass
a resolution amending the Constitu-
tion

The question is on the passage of the
resolution.

1. 70 CONG. REC. 4430, 70th Cong. 1st
Sess. See also 5 Hinds' Precedents
§§ 7038, 7039.
2. Now *House Rules and Manual* § 192
(2007) ("The yeas and nays are not
required to pass a joint resolution
proposing to amend the Constitu-
tion. . . .").

C. Senate Consideration; House-Senate Relations

§ 6. Senate Consideration

In the Senate, as in the House, although only a simple majority vote is required to amend a joint resolution proposing a constitutional amendment, a two-thirds majority vote is required for passage. The Senate has converted, by amendment, a legislative joint resolution into a proposed constitutional amendment (such a resulting joint resolution requiring a two-thirds vote for passage). In addition, the Senate has entertained, to a joint resolution proposing a constitutional amendment, amendments to achieve a legislative purpose instead.

Vote Required for Passage

§ 6.1 The vote required in the Senate for passage of a joint resolution proposing an amendment to the Constitution is two-thirds of those present and voting, a quorum being present, and not two-thirds of the total membership.

The vote required in the Senate is the same as that required in the House,⁽¹⁾ as the proceedings of

1. See § 5.1, *supra*.

Feb. 26, 1869,⁽²⁾ illustrate. On that day, the Senate concluded consideration of a conference report on a joint resolution proposing a constitutional amendment regarding suffrage. The proceedings relating to the announcement of the outcome of the vote were as follows:

The PRESIDENT *pro tempore*.⁽³⁾ The question is on concurring in the report of the committee; and on this question the yeas and nays must be called.

The question being taken by yeas and nays resulted—yeas 39, nays 13; as follows: . . .

The PRESIDENT *pro tempore*. On this question the yeas are 39, and the nays are 13. Two thirds of the Senators present having voted in the affirmative, the report is agreed to.

Mr. [George H.] WILLIAMS [of Oregon] obtained the floor.

Mr. [Garrett] DAVIS [of Kentucky]. I rise to a question of order. I ask the Chair what the number of votes was announced to be.

The PRESIDENT *pro tempore*. The yeas were 39, and the nays were 13; being two thirds.

Mr. DAVIS. The question of order that I make is that the decision of this question has not been announced by the Chair according to the Constitution. The Chair has announced that

2. 41 CONG. GLOBE 1641, 1642, 40th Cong. 3d Sess. This precedent is also carried at 5 Hinds' Precedents § 7028.

3. Benjamin F. Wade (Ohio).

the proposition has received the vote of two thirds of the Senate, and therefore that it has passed. I controvert that fact. There are now thirty-seven States in the Union. They are entitled to seventy-four members of the Senate.

Mr. [James W.] NYE [of Nevada]. The honorable Senator will allow me to correct him. The Chair did not make the announcement that the honorable Senator says he did. He said it received two thirds of the votes of all the members present. That was the announcement by the Chair. . . .

The PRESIDENT *pro tempore*. The Chair desires the Senator to understand what the Chair said in the announcement of the vote. It was that two thirds of the Senators present had voted in the affirmative. That is the way in which it was announced by the Chair.

Mr. DAVIS. But then the conclusion was—

The PRESIDENT *pro tempore*. That the report was concurred in.

Mr. DAVIS. That is just as I understood it. Now, the conclusion does not follow the vote which the Chair announced, because the Senate consists of seventy-four members, and to constitute two thirds of the Senate a vote of fifty is necessary. My point of order is, that when a less number than two thirds of the Senate is required by the Constitution for any purpose, for instance to ratify a treaty or to confirm a nomination, the Constitution expressly says that it shall be two thirds of the members present. In voting upon a proposition to amend the Constitution, the Constitution does not limit the number of two thirds by reciting that it is two thirds of the members present. . . .

Mr. [Lyman] TRUMBULL [of Illinois]. If the Chair will indulge me a moment, this very point was raised in regard to a constitutional amendment some years ago, and the Senate decided by a vote, almost unanimously, that two thirds of the Senators present were sufficient to carry a constitutional amendment. I think that the Presiding Officer upon reflection will recollect it. It was the constitutional amendment that was proposed before the war. I myself made the point for the purpose of having it decided, and it was decided, I think by a nearly unanimous vote, that two thirds of the Senators present, a quorum being present, was sufficient to carry a constitutional amendment. . . .

Mr. WILLIAMS. I ask for a decision on the question of order.

The PRESIDENT *pro tempore*. I believe it has been decided according to all the precedents. . . .

Vote Required to Amend Joint Resolution

§ 6.2 In the Senate, when a joint resolution proposing an amendment to the Constitution is under consideration, an amendment to the joint resolution is adopted by a majority vote.

On Oct. 2, 1970,⁽¹⁾ the Presiding Officer of the Senate,⁽²⁾ in response to parliamentary inquiries, advised the Senate of the vote required to adopt amendments, or

1. 118 CONG. REC. 34755, 91st Cong. 2d Sess.
2. Clifford P. Hansen (Wyo.).

amendments thereto, to joint resolutions proposing constitutional amendments. Proceedings were as follows:

Mr. [Howard H.] BAKER [Jr., of Tennessee]. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Do I correctly understand that the amendment in the nature of a substitute now proposed by the distinguished Senator from North Carolina could be adopted as a substitute by a simple majority vote, and not require a two-thirds vote?

The PRESIDING OFFICER. That is right.

Mr. BAKER. And by that same token, a new substitute to the resolution itself, striking the amendment in the nature of a substitute, could also be adopted by a majority vote?

The PRESIDING OFFICER. Any amendment to the substitute of the pending resolution could be adopted by a simple majority vote.

Vote Required When Joint Resolution Proposing Legislation is Pending

§ 6.3 In the Senate, a joint resolution that is legislative in nature may be amended by majority vote to convert the joint resolution into one proposing an amendment to the Constitution. Upon adoption of such an amendment, a two-thirds vote is required

for passage of the joint resolution.

On Mar. 27, 1962,⁽¹⁾ when the Senate was considering S.J. Res. 29, proposing a national monument, Mr. Spessard L. Holland, of Florida, offered an amendment that would propose a constitutional amendment instead.

THE ALEXANDER HAMILTON NATIONAL MONUMENT — AMENDMENT TO THE CONSTITUTION DEALING WITH POLL TAXES

The Senate resumed consideration of the joint resolution (S.J. Res. 29) providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument.

Mr. [Mike] MANSFIELD [of Montana]. Mr. President, what is the pending question?

The VICE PRESIDENT.⁽²⁾ The question is on agreeing to the amendment of the Senator from Florida [Mr. HOLLAND], striking out all after the resolving clause, as amended, of Senate Joint Resolution 29, and inserting in lieu thereof certain other words.

Mr. MANSFIELD. This is a proposed constitutional amendment seeking to abolish the poll tax in the several States, is it?

Before putting the question to the Senate on a point of order against the Holland amendment based on constitutional grounds, the Chair responded to a parliamentary inquiry concerning the

1. 110 CONG. REC. 5072–106, 87th Cong. 2d Sess.

2. Lyndon B. Johnson (Tex.).

vote required to adopt the Holland amendment.

Mr. [Carl T.] CURTIS [of Nebraska]. If the resolution were to be amended by the Holland amendment, it has been stated it would require a two-thirds vote for passage. My question is, Will it require a two-thirds vote to adopt the Holland amendment to Senate Joint Resolution 29?

The VICE PRESIDENT. Only a majority vote is required in acting upon an amendment.

After the Senate tabled the point of order and the Holland amendment was adopted, the Senate voted on passage of the amended joint resolution.

The PRESIDING OFFICER.⁽³⁾ The joint resolution having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll. . . .

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the joint resolution is passed.

Yeas and Nays Not Required

§ 6.4 The yeas and nays are not required in the Senate on the question of passing a joint resolution proposing an amendment to the Constitution.

On June 27, 2006,⁽¹⁾ the Senate ordered the yeas and nays on S. J.

3. Lee Metcalf (Mont).

1. 152 CONG. REC. p. _____ [Daily ed. S6546], 109th Cong. 2d Sess.

Res. 12, proposing an amendment to the Constitution regarding physical desecration of the flag, as follows.

The PRESIDING OFFICER.⁽²⁾ The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution, as amended, pass?

Mr. [Orrin G.] HATCH [of Utah]. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The yeas and nays were ordered.

§ 7. Conference Reports

Differences between the two Houses on a joint resolution proposing a constitutional amendment may be committed to a committee of conference,⁽¹⁾ the report thereof requiring a two-thirds vote for adoption.⁽²⁾ As with the vote on initial passage of the joint resolution,⁽³⁾ the yeas and nays are not required on the vote on adopting the conference report in the House.⁽⁴⁾

2. Lamar Alexander (Tenn.).

1. See 5 Hinds' Precedents § 7037.

2. *Id.* at § 7036.

3. See § 5.4, *supra*.

4. See, e.g., 111 CONG. REC. 15212–16, 89th Cong. 1st Sess., June 30, 1965.

§ 8. Amendments Between the Houses

When one House has passed a joint resolution proposing a constitutional amendment and has transmitted it to the other House, the House receiving the joint resolution may adopt amendments by a simple majority vote, but a two-thirds vote is required for passage.⁽¹⁾ If one House passes with amendments such a joint resolution that originated in the other House, a two-thirds vote is required in the House in which the joint resolution originated in order to concur in the amendments of the other House.⁽²⁾ In the rare case where one House amends and passes a joint resolution of the other House by a two-thirds vote and then recedes from that amendment by a simple majority vote, the joint resolution is not considered as having been passed.⁽³⁾

The same is true in the Senate, although on one occasion, upon putting the question on agreeing to a conference report proposing an amendment to the Constitution, the Presiding Officer announced that the “yeas and nays must be called.” Cong. Globe 1638, 1641, 40th Cong. 3d Sess., Feb. 26, 1869 (proceedings carried in § 6.1, *supra*).

1. See § 8.1, *infra*.
2. See §§ 8.2, 8.3, *infra*.
3. See 5 Hinds' Precedents § 7035.

§ 8.1 Vote required to adopt an amendment before passage of other House's joint resolution.

On Apr. 13, 1965,⁽¹⁾ the House agreed to an amendment to a joint resolution proposing a constitutional amendment that had originated in the Senate. The amendment was adopted by a simple majority vote and the Senate joint resolution, as amended, was then passed by the requisite two-thirds vote. Proceedings were as follows:

The Clerk read the title of the Senate joint resolution, as follows:

S.J. RES. 1

Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office[.] . . .

The SPEAKER.⁽²⁾ The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. [Emanuel] CELLER [of New York]: “Strike out all after the resolving clause of Senate Joint Resolution 1 and insert the provisions of House Joint Resolution 1, as passed by the House.”

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

1. 111 CONG. REC. 7969, 89th Cong. 1st Sess.
2. John W. McCormack (Mass.).

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the Senate joint resolution.

The question was taken; and (two-thirds having voted in favor thereof) the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

A similar joint resolution (H.J. Res. 1) was laid on the table.

§ 8.2 A two-thirds vote is required in the House to adopt a motion that the House concur in Senate amendments to a House joint resolution proposing an amendment to the Constitution.

On Mar. 21, 1947,⁽¹⁾ the House concurred in Senate amendments to H.J. Res. 27, proposing a constitutional amendment regarding the term of office of the President of the United States, by a two-thirds vote. Proceedings were as follows:

Mr. [Earl] MICHENER [of Michigan]. Mr. Speaker, I ask the Speaker to lay before the House for immediate consideration House Joint Resolution 27, a joint resolution proposing an amendment to the Constitution of the

United States relating to the terms of office of the President, with Senate amendments.

The SPEAKER.⁽²⁾ The Clerk will report the title of the joint resolution and the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments[.] . . .

Mr. MICHENER. Mr. Speaker, this bill with the Senate amendment was returned to the House on March 13. It was taken informally before the full Committee on the Judiciary, and I am instructed by that committee to call the resolution up at this time for the purpose of agreeing to the Senate amendment. I have followed precedent and cleared through the majority leader and the minority leader.

I therefore move that the House concur in the Senate amendment.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. MICHENER moves that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Michigan is recognized for 1 hour. . . .

Mr. MICHENER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The question was taken; and on a division (demanded by Mr. [Robert] THOMASON [of Texas]) there were—ayes 81, noes 29.

Mr. [Aime J.] FORAND [of Rhode Island]. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

1. 93 CONG. REC. 2389, 2392, 80th Cong. 1st Sess.

2. Joseph W. Martin, Jr. (Mass.).

The SPEAKER. The Chair will count.

Mr. FORAND. Mr. Speaker, I withdraw the point of order.

So (two-thirds having voted in favor thereof) the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

§ 8.3 A two-thirds vote is required in the Senate to adopt a motion that the Senate concur in House amendments to a Senate joint resolution proposing an amendment to the Constitution.

On Dec. 18, 1917,⁽¹⁾ the Senate had under consideration Senate Joint Resolution 17, proposing a constitutional amendment prohib-

1. 56 CONG. REC. 477, 65th Cong. 2d Sess. See also 106 CONG. REC. 12850-58, 86th Cong. 2d Sess., June 16, 1960.

iting the manufacture, sale, or transportation of intoxicating liquors, with House amendments thereto. After a motion was made that the Senate concur in the House amendments, Mr. William E. Borah, of Idaho, asked as a parliamentary inquiry whether a two-thirds vote was required to agree to the motion.

The VICE PRESIDENT.⁽²⁾ That is the opinion of the Chair. It is the view of the Chair that an amendment to a resolution proposing an amendment to the Constitution of the United States needs only a majority in order to be adopted; but the resolution having once been adopted by the Senate and gone to the House and returned here for the final action of the Senate, it is necessary to have a two-thirds vote on the amendments of the House, for this constitutes the final passage of the resolution.

2. Thomas R. Marshall (Ind.).

D. Ratification

§ 9. Generally; Certification and Publication

Unlike a joint resolution of a legislative nature, a joint resolution proposing a constitutional amendment is not presented to the President under Article I, Section 7, clause 2 of the Constitution. Rather, such a joint resolution is submitted to the States for ratification.

§ 9.1 Constitutional amendments that have passed both Houses are not presented to the President.

On Feb. 25, 1869,⁽¹⁾ Speaker Schuyler Colfax, of Indiana, overruled a point of order that a proposed constitutional amendment would have to be presented to the President for approval. The ruling of the Chair was as follows:

The SPEAKER. The gentleman having stated the point of order the Chair will decide it. It has been raised once before and decided by the Chair. He will repeat the substantial points of that decision, which he thinks will satisfy the gentleman that his point is not well taken, although based by him upon the Constitution of the United States. The question was raised dis-

tinctly in 1803 in the Senate of the United States, on a motion that the then proposed amendment to the Constitution should be submitted to the President[.] . . .

On a distinct vote of 23 to 7 the Senate voted that the Committee on Enrolled Bills should not present the proposed amendment. This is a decision made by one of the early Congresses. But the Chair is not satisfied with having it rest on that; he is disposed to present higher authority in overruling the point of order.

In 1798, a case⁽²⁾ arose in the Supreme Court of the United States depending upon the amendment to the Constitution proposed in 1794, and the counsel, in argument before the court, insisted that the amendment was not valid, not having been approved by the President of the United States. . . .

The Court, speaking through [Justice Chase] . . . observed:

“The negative of the President applies only to the ordinary cases of legislation. He has nothing to do with the proposition or adoption of amendments to the Constitution.”

As the Supreme Court of the United States has settled this question by a decision, the Chair does not need to read further authorities. . . .

The Chair, therefore, thinks that the question is settled, not only by the practice of Congress but by a decision of the Supreme Court of the United States, and therefore overrules the point of order.

1. 41 Cong. Globe 1563, 40th Cong. 3d Sess.

2. *Hollingsworth v. Virginia*, 3 U.S. (3 Dall.) 378 (1798).

§ 9.2 Enrolled joint resolutions proposing constitutional amendments are submitted to the appropriate Federal official, designated by law, for submission to the States.

Responsibility for receiving from Congress enrolled joint resolutions by which Congress proposes to the States amendments to the Constitution and for transmitting the same to the States has been vested in different officials of the executive branch over time. Currently, that responsibility is vested in the Archivist of the United States.⁽¹⁾ The delivery of such measures to the appropriate official is reported to the House originating the amendment.

An example from 1947 is as follows:⁽²⁾

ENROLLED JOINT RESOLUTION SIGNED

Mr. [Joseph] LeCOMPTE [of Kentucky], from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 27. Joint resolution proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

1. See § 10, *infra*, and 1 USC § 106b (relating to amendments to the Constitution), and related annotations.
2. See 93 CONG. REC. 2482, 80th Cong. 1st Sess., Mar. 24, 1947.

JOINT RESOLUTION FILED WITH THE
SECRETARY OF STATE

Mr. LeCOMPTE, from the Committee on House Administration, reported that that committee did on this day present to and file with the Secretary of State of the United States a joint resolution of the following title:

H.J. RES. 27. Joint resolution proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

Another instance occurred on June 17, 1960:⁽³⁾

ENROLLED JOINT RESOLUTION
PRESENTED

The Secretary of the Senate reported that on today, June 17, 1960, he presented to the Administrator, General Services Administration, the enrolled joint resolution (S.J. Res. 39) proposing an amendment to the Constitution of the United States granting representation in the electoral college to the District of Columbia.

§ 10. Submission to the States; Records of Ratification

The process by which a proposed amendment to the Constitution leaves Congress as officially proposed and eventually becomes effective as part of the Constitution has changed over the years

3. 106 CONG. REC. 13101, 86th Cong. 2d Sess.

and occasionally has included actions by the President not necessary to the effectiveness of the amendment. For example, the two Houses by concurrent resolution asked the President to transmit copies of the proposed 15th amendment to the executives of the States,⁽¹⁾ and the President informed Congress of the promulgation of the ratification of the 15th amendment.⁽²⁾ The President was officially involved only in the first 11 amendments⁽³⁾ and the 15th.⁽⁴⁾

The ministerial functions of transmitting proposed amendments to the States, receiving the notices of ratification by States, and, in some instances, declaring an amendment effective have been carried out successively by the Secretary of State,⁽⁵⁾ the Administrator of General Services,⁽⁶⁾ and the Archivist of the United States.⁽⁷⁾

Early Practice

§ 10.1 President communicated ratification of Bill of Rights to Congress.

1. 5 Hinds' Precedents § 7043. Such a concurrent resolution is not privileged in the House. 8 Cannon's Precedents § 3508.
2. 5 Hinds' Precedents § 7044.
3. See §§ 10.1, 10.2, *infra*.
4. 5 Hinds' Precedents § 7044.
5. See § 10.2, *infra*.
6. See § 10.3, *infra*.
7. See § 10.4, *infra*.

The President notified the Congress of the ratification of the first 10 amendments (the Bill of Rights) by message as follows:⁽¹⁾

The following Message from the President of the United States was received:

*Gentlemen of the Senate, and
of the House of Representatives:*

I lay before you a copy of the ratification, by the Commonwealth of Virginia, of the articles of amendment proposed by Congress to the Constitution of the United States; and a copy of a letter which accompanied said ratification, from the Governor of Virginia.

G. WASHINGTON

UNITED STATES, December 30, 1791.

The papers referred to in the Message are as follows:

COUNCIL CHAMBER,

Richmond, Dec. 22, 1791.

Sir: The General Assembly, during their late session, have adopted, on the part of this Commonwealth, all the amendments proposed by Congress to the Constitution of the United States; their ratification whereof I do myself the honor herewith to transmit.

I have the honor to be, &c.

HENRY LEE.

The PRESIDENT of the United States.

VIRGINIA:

General Assembly, begun and held at the Capitol, in the city of Richmond, on Monday, the 17th day of October, in the year of our Lord 1791.

MONDAY, December 5, 1791.

1. 1 Annals of Cong. 54, 2d Cong. 1st Sess., Dec. 30, 1791.

Ch. 34 § 10 DESCHLER-BROWN PRECEDENTS

Resolved, That the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles of the amendments proposed by Congress to the Constitution of the United States, be ratified by this Commonwealth.

December 15th, 1791: Agreed to by the Senate.

JOHN PRIDE,

S[ecretary]. [of the] S[enate].

THOS. MATTHEWS,

S[ecretary]. [of the] H[ouse of]
D[elegates].

Examined.

The House received the same message:⁽²⁾

A message, in writing, was received from the President of the United States, by Mr. Lear, his Secretary, as followeth:

UNITED STATES,

December 30th 1791.

Gentleman of the Senate and the House of Representatives:

I lay before you a copy of the ratification, by the Commonwealth of Virginia, of the articles of amendment proposed by Congress to the Constitution of the United States, and a copy of a letter which accompanied said ratification from the Governor of Virginia.

G. WASHINGTON.

The papers referred to in the said message were read, and ordered to lie on the table.

§ 10.2 President declares 11th amendment; Secretary of

2. H. Jour., Vol. 1, p. 483, 2d Cong. 1st Sess, Dec. 30, 1791.

State assumes record-keeping responsibility.

The Senate adopted a resolution setting out the history of ratification of the first 13 proposed amendments and requesting the President to ascertain whether any States other than those recorded had ratified the 11th amendment: ⁽¹⁾

Mr. [Henry] Tazewell [of Virginia] reported, from the committee on the subject of amendments to the constitution of the United States, which was read, as follows:

“That, of the twelve amendments proposed by Congress, at their session begun and held in New York on the 4th of March, 1789, the following States ratified the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, prior to the first day of March, 1791, viz. New Jersey, Maryland, North Carolina, South Carolina, New Hampshire, Delaware, New York, Pennsylvania, and Rhode Island; which States making three-fourths of the then thirteen United States, the said amendments have become a part of the constitution

“That the first amendment was ratified prior to the first day of March, 1791, by the following States, viz. New Jersey, Maryland, North Carolina, South Carolina, New Hampshire, New York, and Rhode Island, and, subsequent to that period, by Pennsylvania, Virginia, and Vermont; which number not making three-fourths of the States at the period of ratification, the said

1. S. Jour. Vol. 2, pp. 315, 316, 4th Cong. 2d Sess., Jan. 31, 1797.

amendment has not as yet become a part of the constitution.

“That the second amendment was ratified prior to the 1st day of March, 1791, by the following States: Maryland, North Carolina, South Carolina, Delaware, and, subsequent to that period, by Virginia and Vermont; which number not making three-fourths of the States, the said amendment has not become a part of the constitution.”

“That the amendment respecting the suability of States, which has been proposed by Congress since March, 1791, has been ratified by the following States: New York, Massachusetts, Vermont, New Hampshire, Georgia, Delaware, Rhode Island, and North Carolina, as appears by authentic documents returned to Congress. The committee have strong reasons to believe that other States have ratified this latter amendment, and that the evidences of the fact have not been as yet returned to the proper departments of the government; wherefore, as the number returned do not amount to three-fourths of the States, the said amendment cannot, under present circumstances, be reported as forming a part of the constitution.

Whereupon,

Resolved, by the Senate and House of Representatives of the United States, That the President be requested to adopt some speedy and effectual means of obtaining information from the States of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee, and South Carolina, whether they have ratified the amendment proposed by Congress to the constitution concerning the suability of States; if they have, to obtain the proper evidences thereof.

Ordered, That the Secretary desire the concurrence of the House of Representatives in this resolution.

The House agreed to the resolution on Feb. 24, 1797.⁽²⁾

The President transmitted to the Congress a message not only indicating that a particular State had ratified an amendment, but also declaring that the amendment had become part of the Constitution. The Journal recorded receipt of the message as follows:⁽³⁾

A message, in writing, was received from the President of the United States, by Mr. Taylor, Chief Clerk in the Department of State, as followeth:

Gentleman of the Senate and Gentleman of the House of Representatives:

I have now an opportunity to transmit to Congress a report of the Secretary of State, with a copy of an act of the Legislature of the State of Kentucky, consenting to the ratification of the amendment of the Constitution of the United States, proposed by Congress in their resolution of the second day of December, one thousand seven hundred and ninety-three, relative to the suability of States. This amendment having been adopted by three-fourths of the several States, may now be declared to be a part of the Constitution of the United States.

JOHN ADAMS.

UNITED STATES, *January 8th*, 1798.

2. H. Jour. Vol. 2, p. 718, 4th Cong. 2d Sess.
3. H. Jour. Vol. 3, p. 126, 5th Cong. 2d Sess., Jan. 8, 1798.

Ch. 34 § 10 DESCHLER-BROWN PRECEDENTS

The said message, and papers referred to therein, were read, and ordered to lie on the table.

The message also indicates that the President directed the Secretary of State to keep records on the ratification of amendments by the States, beginning an historical pattern that continued until the Reorganization Plan No. 20 of 1950 transferred the responsibility from the Secretary of State.⁽⁴⁾

Certification, Publication, and Preservation Functions Vested in the Administrator of General Services

§ 10.3 A Presidential reorganization plan transferred responsibility for certification, publication, and preservation of constitutional amendments from the Secretary of State to the Administrator of General Services.

Under the authority of the Reorganization Act of 1949,⁽¹⁾ President Harry S Truman transmitted Reorganization Plan No. 20 of 1950⁽²⁾ to the Congress on Mar. 13, 1950.

4. See § 10.3, *infra*. For an example of a State's certificate of ratification sent to the Secretary of State with a copy laid before the House, see 76 CONG. REC. 35, 72d Cong. 2d Sess., Dec. 5, 1932.

1. 5 USC §§ 901 *et seq.*

2. 5 USC App. Reorganization Plan No. 20 of 1950.

The plan, in pertinent part, read as follows:

STATUTES AT LARGE AND OTHER MATTERS

SECTION 1. FUNCTIONS TRANSFERRED FROM DEPARTMENT OF STATE TO ADMINISTRATOR OF GENERAL SERVICES

There are hereby transferred to the Administrator of General Services the functions of the Secretary of State and the Department of State with respect to: . . .

(c) The certification and publication of amendments to the Constitution of the United States (. . . [1 USC § 106b]) and the preservation of such amendments.

The message of the President transmitting the Reorganization Plan included the following:

Since its establishment in 1789 the Department of State has performed certain routine secretarial and record-keeping functions for the Federal Government which are entirely extraneous to the conduct of foreign relations. While these activities do not properly belong in the Department, they were assigned to it and continued under its jurisdiction for want of an appropriate agency for their performance. . . .

Through the National Archives and Records Service the General Services Administration is especially staffed and equipped for the conduct of activities of these types.

Functions Vested in the Archivist of the United States

§ 10.4 Archivist charged with printing and certifying adoption of amendments.

Effective Apr. 1, 1985, section 106b of title 1, United States Code, ⁽¹⁾ was amended⁽²⁾ to transfer from the Administrator of General Services to the newly established Archivist of the United States the responsibility for publishing and certifying the adoption of amendments to the Constitution.

The Archivist of the United States first executed this responsibility under section 106b of title 1, United States Code, in 1992 when the 27th amendment was published and certified as having been adopted.⁽³⁾

1. Section 106b of title 1, United States Code, reads as follows:

§ 106b. Amendments to Constitution

Whenever official notice is received at the National Archives and Records Administration that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Archivist of the United States shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

2. Section 107(d) of the National Archives and Records Administration Act of 1984 (Pub. L. No. 98-497; Oct. 19, 1984, 98 Stat. 2291).
3. *House Rules and Manual* § 258, footnote 18 (2007).

§ 11. State Consent; Withdrawal and Rescission of Withdrawal

Under Article V of the Constitution, the approval of three-fourths of the States is required to ratify an amendment to the Constitution. Whether a State may rescind its ratification of a constitutional amendment has been the subject of discussion⁽¹⁾ and litigation.⁽²⁾ A State, having previously rescinded its ratification before the effectiveness of an amendment, has later ratified the amendment (after it had become effective). For example, on Mar. 12, 2003,⁽³⁾ the Ohio General Assembly passed a joint resolution ratifying the 14th Amendment. The joint resolution recited the history of Ohio's action with respect to the 14th amendment, as follows: Ohio ratified the amendment on Jan. 11, 1867, but rescinded such ratification on Jan. 15, 1868 (the amendment becoming effective six months later).

1. See 5 Hinds' Precedents § 7042.
2. For relevant case law, see *House Rules and Manual* § 192 (2007).
3. The memorial was noted at 150 CONG. REC. p. _____ [Daily ed. H36], 108th Congress 2d Sess., Jan. 20, 2004. See also *Id.* for a memorial from New Jersey revoking an earlier attempt to withdraw its ratification of an amendment.

§ 12. Time Limits on Ratification

Beginning with what became the 18th amendment, Congress has generally imposed a time limit on the period for State ratification of a proposed amendment. The customary time limit is seven years from the date of the submission of the proposed amendment to the States by Congress. Initially, these time limitations were made part of the text of the proposed amendment.⁽¹⁾ In recent practice, the limitation has been made part of the text of the joint resolution preceding the text of the proposed amendment, rather than part of the text of the amendment. In one case, a simple majority in both Houses extended the limitation when it was contained in the joint resolution rather than the amendment itself.⁽²⁾ In the case of the 27th amendment, the ratification of which spanned an unusually long interval, each House of Congress separately declared the amendment duly ratified.⁽³⁾

§ 12.1 A proposed amendment to the Constitution may con-

1. See *e.g.*, U. S. Const. Amend. 18 § 3.
2. See § 12.3, *infra*.
3. See § 12.4, *infra*.

tain a limit on the period for State ratification.

The 18th amendment was submitted to the States with the following limitation on ratification:

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

§ 12.2 Congress may include a limitation on the time for State ratification of a proposed amendment to the Constitution in the joint resolution proposing the amendment rather than in the body of the amendment itself.

Rather than including a period for State ratification in the text of a proposed constitutional amendment itself, Congress may set forth such a limitation in the text of the joint resolution proposing such amendment. An example of this form of limitation on a ratification period was included in S.J. Res. 7 of the 92d Congress, which was considered by the House on Mar. 23, 1971,⁽¹⁾ and which became the 26th amendment. That resolution read as follows:

1. See 117 CONG. REC. 7570, 92d Cong. 1st Sess.

S.J. RES. 7

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

“ARTICLE —

“SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

“SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

§ 12.3 The House by majority vote passed a joint resolution extending the ratification period for a constitutional amendment previously submitted to the States.

A proposed constitutional amendment regarding equal rights on account of sex was submitted to the States on Mar. 22, 1972,⁽¹⁾ upon the passage by the

1. 118 CONG. REC. 9598, 92d Cong. 2d Sess. The House had passed the joint resolution by the requisite two-thirds majority and transmitted it to the Senate on Oct. 12, 1971. 117 CONG. REC. 35815, 92d Cong. 1st Sess.

Senate of H.J. Res. 208 of the 92d Congress by the requisite two-thirds majority. That joint resolution included in its text a seven-year ratification limitation preceding the text of the proposed amendment. The text of the joint resolution was as follows:

H.J. RES. 208

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

“ARTICLE —

“SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

“SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

“SEC. 3. This amendment shall take effect two years after the date of ratification.”

During 1978, with the ratification deadline for the proposed amendment approaching and with fewer than the requisite number of States having ratified the proposed amendment, Congress considered various proposals to extend the ratification period. On

Ch. 34 § 12 DESCHLER-BROWN PRECEDENTS

Aug. 15, 1978,⁽²⁾ the House considered a joint resolution to extend⁽³⁾ the ratification period. Before the joint resolution was considered, the House considered, and laid on the table, a resolution considered as a question of the privileges of the House declaring that a two-thirds vote was necessary to pass the joint resolution extending the ratification period. The House then passed the joint resolution by majority vote.

The proceedings were as follows:

Mr. [James] QUILLEN [of Tennessee]. Mr. Speaker, I rise to a question of the privileges of the House and offer a privileged resolution (H. Res. 1315) involving a question of the privileges of the House, and I ask for its immediate consideration.

After holding that the resolution did present a question of the privileges of the House under Rule IX, the Speaker, Thomas P.

2. 124 CONG. REC. 26203, 26204, 26239, 26265, 95th Cong. 2d Sess.

3. *Parliamentarian's Note*: Rule XIII clause 3 (the Ramseyer Rule), does not apply to a joint resolution extending the period for State ratification when the joint resolution does not specifically, by amendment, change the text of the ratification deadline in the joint resolution by which Congress submitted the amendment to the States but rather extends the period by a superseding provision. *Id.* at p. 26204.

O'Neill, Jr., of Massachusetts, directed the Clerk to report the resolution. The resolution was as follows:

H. RES. 1315

Whereas H.J. Res. 638 of this Congress amends H.J. Res. 208 of the 92nd Congress, proposing an amendment to the Constitution;

Whereas H.J. Res. 208 of the 92nd Congress was passed by an affirmative vote of two-thirds of the Members present and voting, as required by Article V of the Constitution, and submitted for ratification on March 22, 1972;

Whereas the integrity of the process by which the House considers changes to H.J. Res. 208 of the 92nd Congress would be violated if H.J. Res. 638 were passed by a simple majority of the Members present and voting;

Whereas the constitutional prerogatives of the House to propose amendments to the Constitution and to impose necessary conditions thereto in accordance with Article V of the Constitution would be abrogated if H.J. Res. 638 were passed by a simple majority of the Members present and voting;

Resolved, That an affirmative vote of two-thirds of the Members present and voting, a quorum being present, shall be required on final passage of H.J. Res. 638.

The privileged resolution was laid on the table. The House then resolved itself into the Committee of the Whole to consider H.J. Res. 638. The joint resolution read as follows:⁽⁴⁾

Resolved by the Senate and House of Representatives of the United States of

4. *Id.* at p. 26239.

America in Congress assembled, That notwithstanding any provision of House Joint Resolution 208 of the Ninety-second Congress, second session, to the contrary, the article of amendment proposed to the States in such joint resolution shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within fourteen years from the date of the submission by the Congress to the States of such proposed article of amendment.

After debate and adoption of an amendment striking the matter beginning “within fourteen years” and all that follows and inserting “not later than June 30, 1982.”, the House passed the joint resolution by a simple majority vote.⁽⁵⁾

§ 12.4 The House adopted a concurrent resolution declaring the ratification of a constitutional amendment.

On Sept. 25, 1789⁽¹⁾, the First Congress submitted to the States for ratification 12 proposed amendments. Of those 12, 10 were ratified by Dec. 15, 1791⁽²⁾, and became the Bill of Rights. These

amendments were proposed without a deadline for ratification, and the remaining two remained pending before the States. In May of 1992, one of those proposed amendments, to limit the power of Congress to increase the salaries of its Members, was ratified by the 38th State (the number of States needed to constitute ratification by the requisite three-fourths of the States) and on May 18, 1992, was declared by the Archivist of the United States to have been ratified. In light of the unprecedented period of time between submission of the amendment to the States and the ratification by the final State necessary for adoption of the amendment, and in order to quell speculation over the efficacy of a ratification process spanning two centuries, the House adopted⁽³⁾ a concurrent resolution⁽⁴⁾ declaring the ratification of the amendment. The concurrent resolution read as follows:

5. After passage by the Senate, the joint resolution was signed by the President but not assigned a public law number. Upon receipt of the joint resolution, the Archivist notified the States of its passage.
1. S. Jour. Vol. 1, p. 88, 1st Cong. 1st Sess.
2. See § 10.1, *supra*.

3. 138 CONG. REC. 12051, 102d Cong. 2d Sess., May 20, 1992. The concurrent resolution was debated on the preceding day, May 19, 1992, *Id.* at pp. 11779–85.
4. The concurrent resolution was considered under suspension of the rules. The House had previously considered by unanimous consent a similar measure declaring the 14th Amendment ratified. See H. Jour. 1126, 1127, 40th Cong. 2d Sess., July 21, 1868.

Ch. 34 § 12 DESCHLER-BROWN PRECEDENTS

H. CON. RES. 320

Resolved by the House of Representatives (the Senate concurring), That Congress declares that the proposed article of amendment providing as follows:

“No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.”

has been ratified by a sufficient number of the States and has become a part of the Constitution.

On the same day, the Senate adopted both a simple and a concurrent resolution to the same ef-

fect.⁽³⁾ Neither body acted on the measure of the other.⁽⁴⁾

3. S. Res. 298, and S. Con. Res. 120 of the 102d Cong., at 138 CONG. REC. 11869, 11870, 102d Cong. 2d Sess., May 20, 1992. The Senate adopted the two resolutions by a single, en bloc vote of 99–0. Earlier, the Senate had adopted a resolution requesting the Archivist to transmit to the Senate a list of States having ratified the amendment. S. Res. 295, at 138 CONG. REC. 11010, 102d Cong. 2d Sess., May 12, 1992.
4. For Supreme Court decisions relevant to the ratification process generally, see *Dillon v. Gloss*, 256 U.S. 368 (1921) (ratification must be within a reasonable time after proposal); *Coleman v. Miller*, 307 U.S. 433 (1939) (efficacy of State ratification of proposed amendments is a political question upon which Congress must make the final determination).

INDEX TO PRECEDENTS

Amendments to joint resolution passed by other House

concur in amendments, motion to, requires two-thirds vote in House in which joint resolution originated
 House joint resolution, § 8.2
 Senate joint resolution, § 8.3
 vote, majority, to adopt, §§ 8, 8.1
 vote, two-thirds, required for passage of joint resolution after amendments adopted, § 8

Amendments to joint resolution, see Joint resolution proposing amendment to Constitution; Voting

Archivist of the United States, role see Passage of joint resolution, procedures after; Ratification, procedures relating to

Article V of Constitution as prescribing procedures, § 1

Assembly of Congress, amendment relating to, § 5.3

Bill of Rights, ratification of (see also Ratification, procedures relating to), §§ 10.1, 12.4

Budget, balanced, amendment relating to, §§ 4.4, 4.6, 4.7, 4.13, 4.14, 4.17

Certification and publication of amendment after adoption, see Ratification, procedures relating to

Committee jurisdiction over joint resolutions proposing amendments

history, §§ 3-3.2
 Judiciary, Committee on the, jurisdiction of, §§ 3, 3.2
 subject matter of amendment as not affecting jurisdiction of Committee on the Judiciary, § 3.2

Committee of the Whole, consideration in, of joint resolution pro-

posing amendment to Constitution (see also Special rules providing for consideration of joint resolutions proposing amendments to Constitution)

generally, §§ 4.6, 4.7
 amendment in nature of substitute to joint resolution, rule provided for consideration of, §§ 4.4, 4.17
 special rule, pursuant to, §§ 4.6, 4.7

Compensation of Members of Congress, amendment relating to power to increase, § 12.4

Conference report on joint resolution

vote, two-thirds, required for adoption, § 7
 yeas and nays not required for adoption in House, § 7

Consideration of joint resolutions proposing amendments to Constitution (see also Subject matter of proposed constitutional amendment)

generally, § 4
 amendments to joint resolution
 other House, adopted by, see **Amendments to joint resolution passed by other House**
 voting on, see **Voting**

debate, see **Debate**

discharge of joint resolution, consideration in House following (see also generally, **Discharge**), § 4.10

President, not presented to, for approval, § 2

quorum required for final passage (see also **Voting**), §§ 5, 5.1

resolving clause

 amendment from floor corrected form of, § 4.17
 form, §§ 2, 4.17

Consideration of joint resolutions proposing amendments to Constitution (see also Subject matter of proposed constitutional amendment)—Cont.

statute prescribing form, §§ 2, 4.17

Senate, in, see **Senate, proceedings in**

special rules, under, see **Special rules providing for consideration of joint resolutions proposing amendments to Constitution**

suspension of the rules, under, §§ 4.1, 4.2

voting generally, see **Voting**

Debate

amendment to joint resolution

previous question, priority in recognition to Member seeking to move, over Member yielded to for purpose of offering amendment, § 4.16

substitute, amendment in nature of, form of, § 4.17

voting on, see **Voting**

discharge, motion to, debate on (see also **Discharge**), §§ 4.11, 4.12

previous question, priority in recognition to Member seeking to move, over Member yielded to for purpose of offering amendment, § 4.16

recognition

previous question, priority in recognition to Member seeking to move, over Member yielded to for purpose of offering amendment, § 4.16

special rule, pursuant to

close debate, recognition to, where rule divided control of debate among three Members, § 4.7

reported, where joint resolution was not, § 4.6

Debate—Cont.

unanimous consent, modification by, of terms governing debate, § 4.13

unanimous consent, modification of terms of special rule governing debate, § 4.13

Discharge

debate on motion to discharge, §§ 4.11, 4.12

joint resolution, of

consideration in House after discharge, § 4.10

House, consideration in, after discharge, § 4.10

motion to proceed to immediate consideration is privileged after adoption of motion to discharge, § 4.9

signatures required, § 4.8

recommit joint resolution, motion to, following discharge, see **Recommit joint resolution, motion to**

special rule providing for consideration of joint resolution, discharge of

Calendar, Discharge, substitute rule reported prior to call of, § 4.14

debate on motion, § 4.12

subsequent rule reported prior to call of Discharge Calendar where first rule was object of motion to discharge, § 4.14

unanimous consent, consideration of rule by, before motion called up, § 4.13

vote on joint resolution considered under discharge process, see **Voting**

District of Columbia, amendment granting representation in Electoral College to, § 9.2

Eighteen-year-olds, amendment granting right to vote to, § 12.2

Election of President and Vice President, amendment regarding (see Subject matter of proposed constitutional amendment)

Committee, referred to, under former practice, § 3.1

Election of President and Vice President, amendment regarding (see Subject matter of proposed constitutional amendment)—Cont.

reported with amendment, joint resolution was, § 3.1

Equal rights for men and women, amendment concerning, §§ 4.11, 12.3

Flag, desecration of, amendment relating to, § 6.4

Joint resolution proposing amendment to Constitution (see Subject matter of proposed constitutional amendment)

amendment in nature of substitute to form, § 4.17

amendments to

voting on, see **Voting**

conference report on, see **Conference report on joint resolution**

consideration

generally, § 4

special rule, under, see **Special rules providing for consideration of joint resolutions proposing amendments to Constitution**

suspension of rules, under, §§ 4.1, 4.2

form of resolving clause, § 2

germane, instructions in motion to recommit bill held not to be, where requiring that content of bill be reported as joint resolution, § 4.15

President, not presented to, for approval, § 2

quorum required for final passage (see **Voting**) §§ 5, 5.1

recommit bill, instructions in motion to, were not germane where requiring that content of bill be reported as joint resolution, § 4.15

resolving clause

amendment to correct form of, § 4.17

Joint resolution proposing amendment to Constitution (see Subject matter of proposed constitutional amendment)—Cont.

form, §§ 2, 4.17

statute prescribing form, §§ 2, 4.17

Senate, consideration in, see **Senate, proceedings in**

voting generally, see **Voting**

Judiciary, Committee on the, has jurisdiction over joint resolutions proposing amendments, §§ 3, 3.2

Jurisdiction, committee, see Committee jurisdiction over joint resolutions proposing amendments

Legislative proposal, effect to convert, to proposal to amend Constitution, §§ 4.15, 6, 6.3

Passage of joint resolution, procedures after (see Ratification, procedures relating to)

enrolled joint resolution submitted to designated official for transmission to States, § 9.2

President, joint resolution not presented to, for approval, §§ 2, 9, 9.1

states, submission to, § 9.2

submission of enrolled joint resolution to designated official for transmission to states, § 9.2

Poll tax, amendment to abolish, §§ 4.1, 4.15, 6.3

Prayer in public buildings, amendment concerning, §§ 4.8, 4.9, 4.16

Present and voting, two-thirds of Members, as required, see Voting

Presidential and Vice Presidential succession, see Subject matter of proposed amendment

President, joint resolution proposing amendment not presented to, for approval, §§ 2, 9, 9.1

Procedures for amendment to Constitution

Article V as prescribing, § 1

Procedures for amendment to Constitution—Cont.

Committee jurisdiction over joint resolution, §§ 3-3.2

Congress may propose amendment, § 1
convention requested by states, § 1

Joint resolution introduced in Congress
consideration generally, see **Joint resolution proposing amendment to Constitution**

President, not presented to, for approval, § 2

resolving clause, form of, § 2

Procedures for consideration of joint resolution, see Consideration of joint resolutions proposing amendments to Constitution**Prohibition of liquors, amendment concerning, §§ 8.3, 12.1****Quorum for consideration, see Voting****Ratification, procedures relating to**

Archivist of the United States, role of
certification and publication, §§ 10, 10.4, 12.4

notification of ratification by states
given by Archivist, §§ 10, 10.4, 12.4
time limit for ratification, extension of, notification to states of, § 12.3

Bill of Rights, President notified Congress of ratification of, § 10.1

certification and publication

Administrator of General Services,
duties formerly vested in, §§ 10.3, 10.4

Archivist of the United States, role of, §§ 10, 10.4, 12.4

Reorganization Plan transferred
functions to designated official, § 10.3

Secretary of State, former role of, §§ 10.2, 10.3

statute transferred functions to Archivist of the United States, § 10.4

Ratification, procedures relating to—Cont.

effectiveness of ratification

declarations, separate, by two
Houses in simple and concurrent
resolutions concerning, § 12.4

political question for Congress to determine, § 12.4

notification of ratification by states

Archivist of the United States, role of, §§ 10, 10.4, 12.4

historical development of procedures, §§ 10–10.4

rescission of ratification by state, § 11

Secretary of State, former role of, §§ 10.2, 10.3

States, submission of proposed amendment to, see **States, submission of proposed amendment to**

Supreme Court, decisions by

effectiveness of ratification as political question for Congress, § 12.4

reasonable time, ratification within, § 12.4

time limits on ratification

extension of time limit, majority vote on joint resolution to grant, where time limit was not part of amendment, § 12.3

no time limits applied to earlier amendments, § 12.4

reasonable time, ratification must be within, § 12.4

salaries of Members of Congress, amendment to limit power of Members to raise, ratified after two centuries, § 12.4

seven years as customary limit, §§ 12–12.3

text of amendment, stated in, under earlier practice, §§ 12, 12.1

text of joint resolution, stated in, rather than in amendment itself in current practice, §§ 12.2, 12.3

Ratification, procedures relating to—Cont.

withdrawal of ratification by state, § 11

Recognition, see Debate

Recommit joint resolution, motion to
discharge, where joint resolution being considered pursuant to motion to, § 4.11

Recommit, motion to, with instructions to report contents of bill in form of joint resolution proposing to amend Constitution, § 4.15

Rescission or withdrawal of ratification, see Ratification, procedures relating to

Salaries of Members of Congress, limitation on power to increase, § 12.4

School busing, amendment concerning, § 4.10

Senate, proceedings in

amendment to joint resolution proposing constitutional amendment
vote, adopted by majority, §§ 6, 6.2, 6.3

conference report on joint resolution, see **Conference report on joint resolution**

legislative proposal was converted by amendment to proposal to amend constitution, §§ 6, 6.3

voting

amendment to joint resolution to amend Constitution, majority vote required for, §§ 6, 6.2, 6.3

legislative proposal converted by amendment to proposal to amend Constitution, §§ 6, 6.3

present and voting, two-thirds of Senators, required for passage of joint resolution to amend Constitution, §§ 6.1, 6.3

yeas and nays not required on vote on passage, § 6.4

Special rules providing for consideration of joint resolutions proposing amendments to Constitution

adoption, vote required for, § 4.8

amendment in nature of substitute to joint resolution, rule providing for, to be considered in Committee of the Whole, § 4.4

amendment in nature of substitute to joint resolution, rule providing for, to be considered in House, § 4.3

amendments in nature of substitute to joint resolution, multiple, rule providing for, § 4.4

debate, modification of terms governing, by unanimous consent, § 4.13

debate, provisions concerning

division between Member in favor and Member opposed, § 4.6

three Members, control of time divided among, § 4.7

discharge of House committee from consideration of similar Senate joint resolution, rule provided for, § 4.5

discharge of special rule, see **Discharge**

vote required for adoption, § 4.8

States, memorials or applications submitted by

committee jurisdiction of, § 3

conventions, requesting, § 1

rescinding request for convention, § 1

States, submission of proposed amendment to (see Ratification, procedures relating to)

generally, § 9.2

Archivist of the United States, role of, § 9.2

Subject matter of proposed constitutional amendment

assembly of Congress, § 5.3

Bill of Rights, see **Bill of Rights, ratification of**

Subject matter of proposed constitutional amendment—Cont.

budget, balanced, provision as to, §§ 4.4, 4.6, 4.7, 4.13, 4.14, 4.17
 Committee on the Judiciary, jurisdiction of, as not affected by, § 3.2
 compensation of Members of Congress, proposals to change, § 12.4
 Congress, salaries of Members of, limitation on power to increase, § 12.4
 District of Columbia, granting representation in electoral college to, § 9.2
 eighteen-year-olds, right to vote granted to, § 12.2
 election of President and Vice President, §§ 3.1, 5.1
 equal rights for men and women, §§ 4.11, 12.3
 flag, desecration of, § 6.4
 jurisdiction of Committee on the Judiciary as not affected by, § 3.2
 poll tax, amendment to abolish, §§ 4.1, 4.15, 6.3
 prayer in public buildings, §§ 4.8, 4.9, 4.16
 President and Vice President, election of, §§ 3.1, 5.1
 Presidential and Vice Presidential succession, §§ 4.5, 8.1
 President, term of office of, §§ 8.2, 9.2
 prohibition of liquors, §§ 8.3, 12.1
 referenda on war, §§ 4.12, 5.2
 salaries of Members of Congress, limitation on power to increase, § 12.4
 school busing, § 4.10
 states, suits against, § 10.2
 term of office of President, §§ 8.2, 9.2
 voting rights, §§ 6.1, 12.2
 war, referenda on, §§ 4.12, 5.2

Subject matter of proposed constitutional amendment—Cont.

women, equal rights for, §§ 4.11, 12.3

Suspension of rules, consideration of joint resolution proposing constitutional amendment under

poll tax, amendment to abolish, § 4.1

Time limits on ratification, see Ratification, procedures relating to**Voting**

amendments to joint resolution, motion to concur in, requires two-thirds vote in House in which joint resolution originated, §§ 8.2, 8.3

amendment to joint resolution, majority vote required for adoption of, §§ 5, 5.3, 8, 8.1

conference report, see **Conference report on joint resolution**

joint resolution, two-thirds vote required for passage of, §§ 2, 4.12, 5, 5.1

present and voting, two-thirds of Members, required for passage, § 5.1

voice vote, question on final passage of joint resolution first put to, § 5

yeas and nays not required for passage of joint resolution to amend Constitution, §§ 5, 5.4

Voting rights, amendments to grant, see, Subject matter of proposed constitutional amendment**War, referenda on, amendment concerning, §§ 4.12, 5.2****Withdrawal or rescission of ratification, see Ratification, procedures relating to****Yeas and nays not required on passage of joint resolution (see Voting), §§ 5, 5.4**

CHAPTER 35

Presidential Messages and Executive Communications

- § 1. In General; Scope
- § 2. Receipt and Reading of Presidential Messages
- § 3. Referral
- § 4. Joint Sessions to Receive Presidential Messages: In
General
- § 5. Joint Sessions to Receive Presidential Messages:
Procedure
- § 6. Letters From the President

Commentary and editing by Wm. Holmes Brown, J.D., Ethan Lauer, J.D., Robert W. Cover, J.D., and Andrew S. Neal, J.D.; manuscript editing by Deborah W. Khalili.

Presidential Messages and Executive Communications

§ 1. In General; Scope

This chapter takes up the rules and practice governing Presidential messages and executive communications to the Congress or to the House alone. The transmittal of the budget and related documents by the President to Congress is treated elsewhere in this work,⁽¹⁾ as are House resolutions of inquiry and executive responses thereto.⁽²⁾ Presidential messages dealing with vetoes and reasons for not approving legislation transmitted to the President are taken up more fully in another chapter,⁽³⁾ as are most messages pertaining to the assembly of Congress⁽⁴⁾ or to adjournments.⁽⁵⁾

The Constitution (art. II, § 3) dictates that the President shall from time to time give to the Congress information on the state of the Union, and recommend for consideration such measures as he shall judge necessary and expedient. Dates for submission of certain Presidential reports and messages are established by law.⁽⁶⁾

1. See Ch. 13, *supra*, and Ch. 41, *infra*.
2. See Ch. 15, *supra*.
3. See Ch. 24, *supra*.
4. See Ch. 1, *supra*.
5. See Ch. 40, *infra*.
6. For example, the date for the submission of the President's Budget for

There is a distinction between a Presidential message and an executive communication. A message from the President is addressed to the Congress, delivered through the door under seal, and laid before the House and read as soon as practicable after its reception. It sometimes requires House action. An executive communication, on the other hand, is addressed and delivered to the Speaker. It is usually referred by the Speaker to an appropriate committee without House action.⁽⁷⁾ Receipt of the communication is noted in the Executive Communications portion of the *Congressional Record* for

the next fiscal year has been established by law since 1974. See 31 USC §§ 1105, 1106. On one occasion, due to uncertainty over unfinished appropriations from the previous fiscal year and possible changes in mandatory programs and tax policy, the President satisfied 31 USC § 1105 by transmitting an incomplete budget and announcing his intention to subsequently submit supplementary material by a date certain. See 142 CONG. REC. 2335, 2336, 104th Cong. 2d Sess., Feb. 6, 1996. For more on the President's transmittal of the budget, see Ch. 13, *supra*, and Ch. 41, *infra*.

7. § 1.2, *infra*.

the day on which the message is referred.

The messenger delivering a Presidential message is introduced at the bar of the House with the words “Mr. [or Madam] Speaker, a message from the President.” The Speaker addresses the messenger as “Mr. [or Madam] Secretary.” Upon being recognized by the Speaker, the messenger of the President makes an announcement as follows:

I am directed by the President of the United States to deliver to the House a message in writing [or “sundry messages in writing” if there be more than one].

If the occasion requires, the messenger adds the following:

and to announce his approval of sundry House bills.⁽⁸⁾

There have been instances where, through inadvertence, non-relevant papers have been enclosed with a written message sent by the President; in such cases, he has been allowed to withdraw them.⁽⁹⁾

Receipt of Presidential Message as Privileged

§ 1.1 The receipt of a Presidential message is a matter

8. 5 Hinds’ Precedents § 6591.

9. *Id.* at § 6651.

of high privilege and such a message is to be laid before the House and read as soon as practicable, the precedents of the House not justifying its being held at the desk until another legislative day.

On June 24, 1968,⁽¹⁾ when the Chair announced he would lay before the House a message from the President, a parliamentary inquiry was raised as to the necessity of presenting a message in writing from the President on the date of its receipt:

The SPEAKER pro tempore.⁽²⁾ The Chair lays before the House a message from the President of the United States.

Mr. [Durward G.] HALL [of Missouri]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HALL. Mr. Speaker, in the opinion of the Chair is it necessary that a Presidential message when delivered in writing be presented to the Members of the House immediately or could it be held until the next legislative day?

The SPEAKER pro tempore. The Chair will advise the distinguished

1. 114 CONG. REC. 18330, 90th Cong. 2d Sess. For an instance where the House by unanimous consent authorized the Speaker to postpone the referral of a message until a later day, see § 3.1, *infra*.
2. Carl Albert (Okla.).

gentleman that when the House is in session, a message from the President is laid before the House.

Mr. HALL. Mr. Speaker, a further parliamentary inquiry, is this done by tradition, at the will of the Chair, or is it supported by a rule of the House?

The SPEAKER pro tempore. It is supported by the custom of the House and the provisions of the constitution.

Presidential Messages and Executive Communications Distinguished

§ 1.2 Unlike a Presidential message, which is delivered through the door and laid before the House, a communication from one of the executive departments or other element of the executive branch, including a communication from the President, is referred by the Speaker directly to the appropriate committee without announcement to the House.

On May 28, 1969,⁽¹⁾ in response to a parliamentary inquiry, Speaker John W. McCormack, of Massachusetts, stated that a communication from the President had on that date been referred to committee without an announcement to the House.

Mr. [H. R.] GROSS [of Iowa]. Mr. Speaker, a parliamentary inquiry.

1. 115 CONG. REC. 14217, 91st Cong. 1st Sess.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Is there pending on the Speaker's desk a communication from the Postmaster General?

The SPEAKER. The Chair will respond by saying that there is a communication from the President on the postal service system. It has been referred to the Committee on Post Office and Civil Service.

Mr. GROSS. Mr. Speaker, when was the referral made?

The SPEAKER. The Chair will advise the gentleman that the referral was made after it was received this afternoon, as are all other communications of a similar nature.

§ 1.3 Executive communications, although customarily referred to committee under the applicable House rule,⁽¹⁾ may, at the discretion of the Speaker, be handled in the same manner as Presidential messages and laid before the House.

On Feb. 1, 1964,⁽²⁾ Speaker John W. McCormack, of Massachusetts, laid before the House a communication from the President transmitting an appendix to the budget. The appendix had been received in the Speaker's Rooms after the House adjourned on Jan. 31. The President had previously,

1. Rule XIV clause 2, *House Rules and Manual* § 873 (2007).

2. 110 CONG. REC. 1580, 1581, 88th Cong. 2d Sess.

on Jan. 21, 1964,⁽³⁾ transmitted a message to the House with the 1965 budget of the United States Government.⁽⁴⁾

The SPEAKER laid before the House the following communication from the President of the United States; which was read and referred to the Committee on Appropriations and ordered to be printed:

THE WHITE HOUSE,
Washington, February 1, 1964.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith the Budget of the U.S. Government, 1965—Appendix.

This appendix contains further information and detail concerning the proposals made in the Budget of the United States, 1965, which was transmitted with my message of January 21, 1964, to the Congress.

Respectfully yours,

LYNDON B. JOHNSON.

On Feb. 3, 1998,⁽⁵⁾ Speaker pro tempore Robert Goodlatte, of Virginia, laid before the House a communication from the President transmitting the budget for fiscal

year 1999, which had been received in the Speaker's Rooms on Feb. 2, when the House was not in session. Ordinarily, the President's budget is transmitted under seal as a Presidential message and delivered to the Clerk if the House is not in session.⁽⁶⁾

The SPEAKER pro tempore (Mr. GOODLATTE) laid before the House the following communication from the President of the United States:

THE WHITE HOUSE,
Washington, February 2, 1998.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to 31 U.S.C. 1105, attached is the Budget of the United States Government for Fiscal Year 1999.

Sincerely,

WILLIAM J. CLINTON.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV [now XIV], executive communications were taken from the Speaker's table and referred as follows: . . .

3. *Id.* at pp. 704–712.

4. *Parliamentarian's Note*: The communication transmitting the appendix was laid down in the manner of a message from the President in order to maintain consistency in the treatment of the budget and related documents.

5. 144 CONG. REC. 517, 642, 643, 105th Cong. 2d Sess.

6. For similar examples of messages transmitted to the Speaker (rather than the Clerk) when the House was not in session, see 144 CONG. REC. 1224, 105th Cong. 2d Sess., Feb. 11, 1998, and 126 CONG. REC. 9148, 9149, 96th Cong. 2d Sess., Apr. 28, 1980.

6752. A communication from the President of the United States, transmitting the Budget of the United States Government, Fiscal Year 1999, pursuant to 31 U.S.C. 1105(a); (H. Doc. No. 105-177); to the Committee on Appropriations and ordered to be printed.

On Oct. 10, 1963,⁽⁷⁾ Speaker John W. McCormack, of Massachusetts, laid before the House a communication from the President dealing with the sale of surplus American wheat to Russia, which message was read and referred to the Committee on Agriculture.

The SPEAKER laid before the House the following communication from the President of the United States, which was read, referred to the Committee on Agriculture, and ordered to be printed:

OCTOBER 10, 1963.

HON. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: In view of previous expression of congressional interest and concern, it is appropriate that I report to the Congress the reasons for this Government's decision not to prohibit the sale of surplus American wheat, wheat flour, feed grains, and other agricultural commodities for shipment to the Soviet Union and other Eastern European countries during the next several months. . . .

Sincerely,
JOHN F. KENNEDY.

§ 1.4 In one instance, the Speaker announced to the

7. 109 CONG. REC. 19283, 19284, 88th Cong. 1st Sess.

House his receipt of an executive communication in advance of referring it to committee.

On Mar. 19, 2003,⁽¹⁾ Speaker J. Dennis Hastert, of Illinois, announced to the House his receipt the previous evening of a communication from the President consistent with a law authorizing the use of military force. In order to quell false speculation as to the contents of the communication, the Speaker inserted the text of the communication into the *Congressional Record* and announced his intention to refer it to the Committee on International Relations in the regular course.

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. HASTERT. Mr. Speaker, and for the information of all Members, I am in receipt of a report from the President pursuant to the Use of Force Resolution approved by the Congress last year.

This report summarizes diplomatic and other peaceful means pursued by the United States, cooperating with foreign countries and international organizations to obtain Iraqi compliance with all relevant United Nations Security Council resolutions regarding Iraq.

Pursuant to House Rule XII, I will refer this report to the Committee on

1. 149 CONG. REC. 6530, 108th Cong. 1st Sess.

International Relations. In addition, for the information of Members, I will submit the document in its entirety for printing into the CONGRESSIONAL RECORD. . . .

Any further announcement will be shared with the Congress.

THE WHITE HOUSE,
Washington, March 18, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Consistent with section 3(b) of the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243), and based on information available to me, including that in the enclosed document, I determine that:

(1) reliance by the United States on further diplomatic and other peaceful means alone will neither (A) adequately protect the national security of the United States against the continuing threat posed by Iraq nor (B) likely lead to enforcement of all relevant United Nations Security resolutions regarding Iraq; and

(2) acting pursuant to the Constitution and Public Law 107-243 is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.

Sincerely,
GEORGE W. BUSH.

§ 1.5 A letter from the President, addressed to the Speak-

er and suggesting that the contents be brought “to the attention of your colleagues,” was, by unanimous consent, read and made a part of the proceedings of the House.

On Dec. 12, 1967,⁽¹⁾ Speaker John W. McCormack, of Massachusetts, laid before the House a letter addressed to him by the President.

The SPEAKER. Without objection, the Clerk will read a letter received by the Speaker from the President of the United States.

There was no objection.

The Clerk read as follows:

THE WHITE HOUSE,
Washington, D.C., December 6, 1967.

Hon. JOHN MCCORMACK,
Speaker of the House,
U. S. House of Representatives.

DEAR JOHN: On the third anniversary of his administration—Mexican President Diaz Ordaz held a press conference in which he was asked to comment on the present state of United States-Mexican relations. . . .

I bring these words of tribute to the U.S. Congress and the American people to your attention, thinking that you might want to bring them to the attention of your colleagues in the House of Representatives.

Sincerely,
LYNDON B. JOHNSON.

1. 113 CONG. REC. 35938, 90th Cong. 1st Sess.

Message on Removal of Executive Officer

§ 1.6 The President has transmitted a message for the information of Congress giving his reasons for removing the Chairman of the Board of the Tennessee Valley Authority.

On Mar. 23, 1938,⁽¹⁾ the Speaker⁽²⁾ laid before the House the following message from the President; it was read, and, with the accompanying papers, referred to the Committee on Military Affairs and ordered printed.

To the Congress of the United States:

I transmit herewith for the information of the Congress my opinion setting forth the reasons which impelled me to remove Arthur E. Morgan, and my letter to him removing him, as a member and Chairman of the Board of the Tennessee Valley Authority. I further transmit the opinion of the Attorney General in regard to my power to remove for cause members of the Board of the Tennessee Valley Authority. I also append the transcript of the hearings which were laid before me on March 11, 18, and 21, 1938, and which I think merit the serious consideration of all those interested in the T. V. A. I have filed my letter to Arthur E. Morgan and the transcript of the hearings, together with all exhibits marked for identification in the transcript, with the Secretary of State. . . .

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 23, 1938.*

1. 83 CONG. REC. 3952, 75th Cong. 3d Sess.
2. William B. Bankhead (Ala.).

Messages Relating to the Office of the President

§ 1.7 The President customarily notifies the Congress officially, by message, of the death of a former President.

On Jan. 23, 1973,⁽¹⁾ President Richard M. Nixon informed the House and Senate, by message, of the death of former President Lyndon Baines Johnson. When this message was laid before the House and read, it established a predicate for the adoption of a concurrent resolution⁽²⁾ permitting the remains of the former President to lie in state in the Rotunda of the Capitol. Following the adoption of the concurrent resolution, the House agreed to a resolution⁽³⁾ expressing its profound

1. 119 CONG. REC. 1838, 1839, 93d Cong. 1st Sess. For the message from President William J. Clinton officially informing the House of the death of former President Richard Milhous Nixon, see 140 Cong. Rec. 8451, 103d Cong. 2d Sess., Apr. 25, 1994. For the message from President George W. Bush officially informing the House of the death of former President Ronald Wilson Reagan, see 150 Cong. Rec. ____ [Daily Record H3790], 108th Cong. 2d Sess., June 8, 2004. There apparently was no message officially informing the House of the death of former President Gerald R. Ford on December 26, 2006.
2. H. Con. Res. 90, 93d Cong. 1st Sess.
3. H. Res. 152, 93d Cong. 1st Sess.

sorrow on the death of the former President and authorizing the preparation of appropriate arrangements for House participation in the funeral.

The SPEAKER laid before the House the following message from the President of the United States:

To the Congress of the United States:

It is my sad duty to inform you officially of the death of Lyndon Baines Johnson, the thirty-sixth President of the United States. . . .

RICHARD NIXON.

THE WHITE HOUSE, *January 23, 1973.*

§ 1.8 A Presidential resignation is transmitted not to the Congress but to the Secretary of State.

Section 20 of title 3, United States Code, provides that the only evidence of a resignation of the office of President shall be an instrument in writing, subscribed by the President, and delivered to the office of the Secretary of State.⁽¹⁾

Unwritten Presidential Messages

§ 1.9 When the Speaker, pursuant to an order of the House,

1. President Richard M. Nixon thus submitted his resignation on Aug. 9, 1974 in this manner. See Ch. 14, § 2.1, *supra*.

appoints a committee to notify the President that the House has completed the business of the session and is prepared to adjourn, the President customarily responds by a verbal communication, which is transmitted to the House by an oral report given by a member of the committee.

Since the first Congress began the practice, upon nearing the end of their business for a session and preparing to adjourn *sine die*, of notifying the President of their intention to so adjourn,⁽¹⁾ the House has continued and formalized this practice, which is now more of a ritual than an actual notification. In the modern practice, as the House nears the completion of its business for a session, a House resolution is offered as privileged calling for the appointment of a two-Member committee to notify the President.⁽²⁾ The Speaker customarily appoints the Majority and Minority Leaders to the committee, which then repairs to the Speaker's Office and at a convenient time places a telephone call

1. See H. Jour. Vol. I, p. 129 or 1 Annals of Congress, p. 964, 1st Cong. 1st Sess., Sept. 29, 1789.
2. See, e.g., 120 CONG. REC. 41855, 93d Cong. 2d Sess., Dec. 20, 1974; 147 CONG. REC. 27600, 107th Cong. 1st Sess. Dec. 20, 2001.

to the President. Although the customary text of the House resolution specifies that the committee is to “join a similar committee of the Senate,” in recent years the calls have been placed separately by the leaderships of the two bodies.

When the telephone call has been completed and the House is ready to adjourn, the “committee to notify the President” enters the Chamber by the west door, is announced by an officer of the House, and gives its report.⁽³⁾

Informal Visits to Congress

§ 1.10 On the occasion of an informal visit by the President to the House of Representatives, the House stood in recess and the President greeted Members, officers, and employees who filed through the well of the House.

On Jan. 28, 1969,⁽¹⁾ the House⁽²⁾ stood in recess to receive, in the

3. See, *e.g.*, 120 CONG. REC. 41857, 93d Cong. 2d Sess., Dec. 20, 1974; 139 CONG. REC. 32441, 103d Cong. 1st Sess., Nov. 26, 1993. On occasion the House has adjourned *sine die* before receiving the committee’s report. See, *e.g.*, 146 CONG. REC. 27083, 27084, 106th Cong. 2d Sess., Dec. 15, 2000.
1. 115 CONG. REC. 1984, 91st Cong. 1st Sess.
2. The Senate was twice visited informally by President Harry S Truman.

well of the House, the President of the United States:⁽³⁾

VISIT OF THE PRESIDENT

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. [Carl] ALBERT (of Oklahoma). Mr. Speaker, the House is highly honored today by a visit by the President of the United States. In view of that fact, Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER.⁽⁴⁾ Without objection, it is so ordered.

There was no objection. . . .

RECESS

The SPEAKER. The House will now stand in recess subject to the call of the Chair and the bells will be rung 15 minutes before the House meets again.

Accordingly (at 12 o’clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

- On one occasion, President Truman sat in the chair he formerly occupied as a Senator, and the other was on the anniversary of the death of his predecessor. He addressed the body on both occasions. 93 CONG. REC. 9804, 9805, 80th Cong. 1st Sess., July 23, 1947; 95 CONG. REC. 4360, 4361, 81st Cong. 1st Sess., Apr. 12, 1949.
3. See § 2.14, *infra*, for an instance in which the Speaker declined a request from the President to address the House in actual session on pending legislation.
4. John W. McCormack (Mass.).

(At 12 o'clock and 4 minutes p.m., the President of the United States, escorted by the Majority Leader and the Minority Leader, entered the Chamber through the south door at the right of the Speaker's rostrum, and joined the Speaker in the Well of the House. The Minority Leader, the Majority Leader, [and the Members] filed into the Well to greet the President personally.)

(At 1 o'clock and 7 minutes p.m., the President, accompanied by the committee of escort and the Speaker, retired from the Hall of the House of Representatives.)

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FASCELL) at 1 o'clock and 25 minutes p.m.

§ 2. Receipt and Reading of Presidential Messages

In recent years, the President's annual state of the Union address has been delivered in person at a joint session of Congress, although the President may transmit the message in writing.⁽¹⁾ The President may choose to transmit messages dealing with other matters of national consequence to Congress in writing. Examples of messages the President has trans-

1. See §§ 3.3, 5.4, 5.5, *infra*. All Presidents from Thomas Jefferson through William H. Taft submitted their annual messages in writing.

mitted in writing have included: advising the House of his intention to abide by the law requiring a cessation of certain U.S. military operations,⁽²⁾ submitting reorganization plans,⁽³⁾ announcing a country's declaration of war against the United States,⁽⁴⁾ advising the House of the loss of an enrolled bill,⁽⁵⁾ and transmitting his nomination of a person for appointment to the office of Vice President.⁽⁶⁾

Messages may be received and read in the absence of a quorum.⁽⁷⁾

The Clerk of the House receives messages from the President delivered when the House is not in session. A message received by the Clerk is transmitted by the Clerk to the Speaker in the sealed envelope as received from the

2. 119 CONG. REC. 28088, 93d Cong. 1st Sess., Aug. 3, 1973.

3. 149 CONG. REC. 2305, 108th Cong. 1st Sess., Feb. 4, 2003; 93 CONG. REC. 4380-83, 80th Cong. 1st Sess., May 1, 1947; 86 CONG. REC. 6637, 76th Cong. 3d Sess., May 22, 1940.

4. 88 CONG. REC. 4787, 77th Cong. 2d Sess., June 2, 1942; 87 CONG. REC. 9665, 9666, 77th Cong. 1st Sess., Dec. 11, 1941.

5. See § 2.13, *infra*.

6. See § 3.18, *infra*.

7. Until the 95th Congress, a quorum was required for the reading of a message. *House Rules and Manual* § 55 (2007). See also § 2.11, *infra*.

President together with a cover letter indicating the time and place of receipt, as well as the nature of the message, if this has been indicated to the Clerk. The Speaker lays the message before the House as soon as feasible.⁽⁸⁾

Laying Message Before the House

§ 2.1 Messages from the President are laid before the House by the Speaker.

On June 17, 1969,⁽¹⁾ Speaker John W. McCormack, of Massachusetts, laid before the House a message from the President, transmitting the President's annual report on salary comparability, and then his own directive implementing certain salary adjustments in the House.

The President's message was read and, together with accompanying papers, referred to the Committee on Post Office and Civil Service and ordered to be printed:

To the Congress of the United States:

I forward herewith the annual comparison of Federal salaries with the salaries paid in private enterprise, as provided by section 5302 of title 5, United States Code. . . .

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1969.*

8. See §§ 2.6–2.9, *infra*.

1. 115 CONG. REC. 16195, 16196, 91st Cong. 1st Sess.

DIRECTIVE OF THE SPEAKER IMPLEMENTING SALARY COMPARABILITY POLICY IN 1969 FOR OFFICERS AND EMPLOYEES OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following directive, which was read: . . .

Pursuant to the authority and duty vested in the Speaker of the United States House of Representatives by section 212 of the Federal Salary Act of 1967 (81 Stat. 634; Public Law 90–206; 5 U.S.C. 5304, note) to implement the salary comparability policy set forth in section 5301 of title 5, United States Code, in the year 1969 for personnel of the House of Representatives, the rates of pay of personnel of the House of Representatives whose pay is disbursed by the Clerk of the House of Representatives are adjusted as follows: . . .

§ 2.2 A Presidential communication addressed to the Speaker urging support for a legislative measure pending before the House is sometimes laid before the House and read but not referred to any committee.

On Feb. 25, 1975,⁽¹⁾ a letter from President Gerald R. Ford,

1. 121 CONG. REC. 4151, 94th Cong. 1st Sess. For examples of executive communications treated by the Speaker as Presidential messages, see § 1.3, *supra*.

sent to the Speaker, was laid before the House for the information of Members.

The SPEAKER laid before the House the following communication from the President of the United States:

THE WHITE HOUSE
Washington, February 25, 1975.

Hon. CARL ALBERT
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I wish to convey to the House of Representatives my deep concern over the present critical situation in Cambodia. . . .

. . . Countries around the world who depend on us for support—as well as their foes—will judge our performance. It is in this spirit and with this sense of responsibility Mr. Speaker, that I urge rapid and favorable action on my request for additional assistance to Cambodia.

Sincerely,

GERALD R. FORD.

Practice in Committee of the Whole

§ 2.3 A message from the President is not received while the House is sitting as the Committee of the Whole, but the Committee may rise informally so that the House may receive the message; when it does so, the Chairman of the Committee does not report to the House but merely relinquishes the

Chair to the Speaker, who recognizes the messenger of the President, receives the message, and then directs the Committee to resume its sitting.

On June 17, 1969,⁽¹⁾ a message in writing from the President was communicated to the House by one of his secretaries while the House was in the Committee of the Whole. The proceedings were as follows:

The CHAIRMAN.⁽²⁾ The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER assumed the chair.

The SPEAKER.⁽³⁾ The Chair will receive a message.⁽⁴⁾

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard,

1. 115 CONG. REC. 16182, 91st Cong. 1st Sess.
2. Jack B. Brooks (Tex.)
3. John W. McCormack (Mass.).
4. The Speaker will not, however, receive a message from the President when occupying the Chair to receive the report of the Chairman of the Committee of the Whole. See, *e.g.*, 115 CONG. REC. 9705, 91st Cong. 1st Sess., Apr. 21, 1969.

one of his secretaries, who also informed the House that on June 13, 1969 the President approved and signed bills of the House of the following titles:

H.R. 2718. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk[.]

Following receipt of the message, the Committee of the Whole resumed its sitting by direction of the Speaker.

Messages Received Pending a Vote

§ 2.4 Messages from the President may be received notwithstanding the operation of the previous question, and the Speaker does not direct the reading of the message pending the vote on a matter.

On Mar. 24, 1949,⁽¹⁾ the House resolved itself into the Committee of the Whole for further consideration of a bill. After some debate, the Committee rose. A motion to recommit was offered, and the previous question was ordered thereon. At this point a message in writing from the President was communicated to the House together with other information. A parliamentary inquiry was pro-

1. 95 CONG. REC. 3114, 3115, 81st Cong. 1st Sess.

pounded as to the disposition of the Presidential message and whether it bore on the subject at hand. The Chair indicated that the business then before the House should be completed before taking up the message.⁽²⁾

The proceedings were as follows:

Mr. [John E.] RANKIN [of Mississippi]. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by one of his secretaries, who also informed the House that on March 24, 1949, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 89. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

PENSIONS FOR VETERANS OF WORLD WAR I AND WORLD WAR II

Mr. [Francis H.] CASE [of South Dakota]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore.⁽³⁾ The gentleman will state it.

2. For a review of the practice during the 18th and 19th centuries, when Presidential messages often lay unread for lengthy periods of time, see 5 Hinds' Precedents §§ 6635-6649.
3. John W. McCormack (Mass.).

Mr. CASE. Mr. Speaker, would the Chair be in position to state whether the communication from the President just received bears upon the pending matter?

The SPEAKER pro tempore. At this point the Chair would not say.

The question is on the motion to recommit offered by the gentleman from Texas [Mr. TEAGUE].

Following an announcement of the results of the vote on the motion, the Speaker laid before the House the message from the President; it was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce. The message from the President was as follows:

To the Congress of the United States:

In compliance with the provisions of section 10 (b) (4) of the Railroad Retirement Act, approved June 24, 1937, and of section 12 (1) of the Railroad Unemployment Insurance Act, approved June 25, 1938, I transmit herewith for the information of the Congress the report of the Railroad Retirement Board for the fiscal year ended June 30, 1948.

HARRY S. TRUMAN.

THE WHITE HOUSE, *March 24, 1949.*

Authorizing Clerk to Receive Messages During Adjournments

§ 2.5 Before such authority was specifically granted by rule, most concurrent resolu-

tions providing for an adjournment *sine die*, or for an adjournment to a day certain more than three days hence, contained language specifically stating that the Clerk of the House was authorized to receive messages from the President during the adjournment (with similar authority generally also provided by the Senate for the Secretary of the Senate) and, if not included in the adjournment resolution, such specific authority generally was obtained in each House by unanimous consent.

Rule II clause 2 now authorizes the Clerk to receive messages from the President when the House is not in session.⁽¹⁾

As an example of the standard type of concurrent resolution of adjournment that made clear the Clerk's authority to receive messages from the President during a period of adjournment, the proceedings of Dec. 15, 1977,⁽²⁾ are shown here:

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, I send to the Speaker's desk a privileged concurrent resolution (H. Con. Res. 442) authorizing the Secretary of the Senate and

1. *House Rules and Manual* § 652 (2009).
2. 123 CONG. REC. 38948, 95th Cong. 1st Sess.

the Clerk of the House to receive messages, including veto messages, from the President of the United States during adjournment of the two Houses.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 442

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, December 15, 1977, they shall stand adjourned sine die.

SEC. 2. During the adjournment of both Houses of Congress as provided in section 1, the Secretary of the Senate and the Clerk of the House, respectively be, and they hereby are, authorized to receive messages, including veto messages, from the President of the United States.

The concurrent resolution was agreed to.

Alternatively, such authority sometimes was clarified by unanimous consent, as the proceedings of Nov. 21, 1980,⁽³⁾ illustrate:

Mr. [Paul] SIMON [of Illinois]. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, December 1, 1980, the Clerk be authorized to receive messages from the President and the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER.⁽⁴⁾ Is there objection to the request of the gentleman from Illinois?

3. 126 CONG. REC. 30555, 96th Cong. 2d Sess.

4. Thomas P. O'Neill, Jr. (Mass.).

There was no objection.

Parliamentarian's Note: This type of request became standard practice after the decision in *Kennedy v Sampson* in 1974.⁽⁵⁾ In that case, the United States Court of Appeals for the District of Columbia Circuit held that a bill could not be pocket-vetoed by the President during an adjournment of more than three days to a day certain if the House of origin had made arrangements for the receipt of Presidential messages.⁽⁶⁾

Messages Received During Adjournment

§ 2.6 The Clerk, as the agent of the House, is authorized to receive messages from the President while the House is in recess or after the House has adjourned for a legislative day; when such a message is received, it is transmitted by the Clerk to the Speaker (with a cover letter detailing the time and place of receipt of the message), who then lays it before the House at the earliest opportunity.

5. 511 F.2d 430 (D.C. Cir.).

6. For further discussion, refer to Ch. 24 § 17, *supra*, and *House Rules and Manual* § 113 (2007).

On Feb. 20, 1969,⁽¹⁾ the Speaker⁽²⁾ laid before the House a letter from the Clerk, advising that the Clerk had, after the House adjourned the previous evening, received a message from the President. The proceedings were as follows:

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives, said to contain a message from the President wherein he transmits a special study regarding the administration of the Headstart program. This envelope was received in the Office of the Clerk at 3:55 p.m. on Wednesday, February 19, 1969.

Sincerely,

PAT JENNINGS,
Clerk.

The Speaker then laid before the House the message from the President, which was read and referred to the appropriate committee.

§ 2.7 The Clerk notifies the Speaker when he has, during an adjournment, received a message from the President addressed to the House or to

1. 115 CONG. REC. 4088, 91st Cong. 1st Sess.
2. John W. McCormack (Mass.).

the Speaker, and the Speaker lays the notification and message before the House when the House reconvenes. If the Clerk is in possession of such knowledge, he notifies the Speaker of the contents of the message.

On Sept. 5, 1945,⁽¹⁾ the House having ended its August recess, the Speaker⁽²⁾ laid before the House the following communication from the Clerk:

SEPTEMBER 5, 1945.

The SPEAKER,
The House of Representatives.

SIR: The accompanying sealed envelope from the White House addressed to the House of Representatives, was received in this office at 11:30 o'clock antemeridian, August 30, 1945.

Respectfully yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed with illustrations:

To the Congress of the United States of America:

I am transmitting herewith the twentieth report of operations under

1. 91 CONG. REC. 8322, 79th Cong. 1st Sess.
2. Sam Rayburn (Tex.).

the Lend-Lease Act for the period ending June 3, 1945. . . .

HARRY S. TRUMAN.
THE WHITE HOUSE, *August 30, 1945.*

§ 2.8 A veto message from the President addressed to the Speaker and received in the office of the Clerk after adjournment of the House is laid before the House when it reconvenes.

On Apr. 6, 1948,⁽¹⁾ the Speaker pro tempore⁽²⁾ laid before the House the following communication from the Clerk:

APRIL 6, 1948.

The honorable the SPEAKER
House of Representatives.

SIR: The attached sealed envelope, indicating on its face that it contains a message from the President of the United States, and addressed to the Speaker of the House of Representatives of the United States, was received in the office of the Clerk on April 5, 1948.

Respectfully yours,

JOHN ANDREWS,
Clerk of the House of Representatives.

VENDORS OF NEWSPAPERS OR MAGAZINES—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 594)

The SPEAKER pro tempore laid before the House the following veto mes-

1. 94 CONG. REC. 4133, 4134, 80th Cong. 2d Sess.
2. Earl C. Michener (Mich.).

sage from the President of the United States:

To the House of Representatives:

I am returning herewith, without my approval, H.R. 5052, a bill to exclude certain vendors of newspapers or magazines from certain provisions of the Social Security Act and the Internal Revenue Code.

This bill is identical with H.R. 3997, which I declined to approve in August 1947. . . .

For these reasons, I am compelled to return H.R. 5052 without my approval.

HARRY S. TRUMAN.
THE WHITE HOUSE, *April 5, 1948.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and the bill will be printed as a House document.⁽³⁾

§ 2.9 The President's economic report was received by the Clerk on a day when the House was not in session; the report remained in its sealed envelope until laid before the House at its next meeting.

On Jan. 22, 1962,⁽¹⁾ Speaker Sam Rayburn, of Texas, laid before the House a letter from the Clerk transmitting a communication from the President of the United States that was received

3. For discussion of House consideration of veto messages, see Ch. 24, §§ 17–23, *supra*.

1. 108 Cong. Rec. 577–584, 87th Cong. 2d Sess.

by the Clerk when the House was not in session:

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

JANUARY 22, 1962.

The Honorable the SPEAKER,
House of Representatives.

SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's office at 1:15 p.m. on January 20, 1962, and said to contain the Economic Report of the President together with the annual report of the council of Economic Advisers.

Respectfully yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

ECONOMIC REPORT OF THE
PRESIDENT (H. DOC. NO. 278)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Joint Economic Committee and ordered to be printed with illustrations:

To the Congress of the United States:

I report to you under the provisions of the Employment Act of 1946[.] . . .

JOHN F. KENNEDY

Parliamentarian's Note: The economic report of the President was, under former provisions of 15

USC § 1022, to be transmitted to Congress "not later than Jan. 20 of each year."⁽²⁾ Jan. 20, 1962, fell on a Saturday—a day when the House would not be in session because it had adjourned on Thursday, Jan. 18, until Monday, Jan. 22. The Clerk received the report for the House on Jan. 20. It remained sealed until laid before the House on Jan. 22, thereby insuring that there would be no premature disclosure or release of the report.

Interrupting Reading of Message

§ 2.10 The Chair declines to recognize Members to submit parliamentary inquiries during the reading of the President's message.

On Jan. 21, 1946,⁽¹⁾ the Speaker pro tempore⁽²⁾ laid before the House a message from the President.

A message in writing from the President of the United States was communicated to the House by . . . one of his secretaries. . . .

The SPEAKER pro tempore laid before the House the message of the

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2. 15 USC § 1022 now requires this report "not later than 10 days after the submission of the budget under section 1105(a) of title 31."
 1. 92 CONG. REC. 164, 79th Cong. 2d Sess.
 2. John W. McCormack (Mass.).

President on the state of the Union and transmitting the Budget. . . .

Mr. [Robert F.] RICH [of Pennsylvania] (interrupting the reading of the message). Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The Clerk read a message from the President of the United States, and the Chair feels that an inquiry at this time should not be entertained.⁽³⁾

Parliamentarian's Note: This message contained approximately 25,000 words and took about three hours to read.

§ 2.11 Under the earlier practice (before the 95th Congress), quorum calls could interrupt the reading of the President's message to Congress on the state of the Union.

On Jan. 21, 1946,⁽¹⁾ Speaker pro tempore John W. McCormack, of Massachusetts, laid before the House the message of the President on the state of the Union and transmitting the budget. The reading of this lengthy message was interrupted by two quorum calls.⁽²⁾ The proceedings were as follows:

3. Portions of a Presidential message may be reread by the Clerk by unanimous consent. See 113 CONG. REC. 22447, 22448, 90th Cong. 1st Sess., Aug. 14, 1967.
1. 92 CONG. REC. 164, 165, 79th Cong. 2d Sess.
2. For the text of this message, see *Id.* at pp. 136–155 [Senate proceedings].

Mr. [Robert F.] RICH [of Pennsylvania]. Mr. Speaker, I think it is wise that the membership of the House hear the President's message, and I make a point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. [Albert A.] GORE [of Tennessee]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll. . . .

The SPEAKER pro tempore. . . . [A] quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

The Clerk resumed the reading of the President's message.

Mr. RICH (interrupting the reading of the President's message). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. [Adolph J.] SABATH [of Illinois]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll. . . .

The SPEAKER pro tempore. . . . [A] quorum [is present].

By unanimous consent, further proceedings under the call were dispensed with.

The Clerk concluded the reading of the President's message.

Parliamentarian's Note: Rule XX clause 7(a), adopted in the 93d Congress and amended in the 95th Congress, prohibits the Speaker from recognizing a Member for a point of order that a

quorum is not present unless a question is being put, although under clause 7(b), the Speaker has the discretion to recognize a Member to move a call of the House.⁽³⁾

Effect on Former Discharge Procedure

§ 2.12 The reading of a message from the President did not prevent the subsequent operation of the so-called 21-day rule (former Rule XI, clause (2)(c)), which was repealed in the 90th Congress.

On Jan. 23, 1950,⁽¹⁾ Speaker Sam Rayburn, of Texas, laid before the House a message from the President, and the following ensued:

The SPEAKER. The Chair lays before the House a message from the President of the United States, which the Clerk will read.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state the point of order.

Mr. MARCANTONIO. Mr. Speaker, will the reading of the President's message prevent the operation of the discharge rule today?

The SPEAKER. Not at all.⁽²⁾

3. *House Rules and Manual* §§1027, 1028 (2007).

1. 96 CONG. REC. 769, 81st Cong. 2d Sess.

2. For the 21-day discharge rule, its history and effect, see Ch. 21, § 18.52, *supra*.

Message Relating to Lost Bill

§ 2.13 Where the President sent a message to the House advising it that an enrolled bill delivered to him had been lost, the Speaker and Vice President were authorized by concurrent resolution to sign a duplicate copy, which was transmitted to the President by the Clerk.

On May 15, 1935,⁽¹⁾ after letters from the President and Secretary of the Interior were read, advising of the loss of an enrolled bill, procedures were adopted by which a duplicate bill could be sent to the President. The letters were laid before the House by the Speaker⁽²⁾ and referred to the Committee on the Territories. The proceedings were as follows:

To the House of Representatives,

I am in receipt of the following letter from the Secretary of the Interior advising of the loss of enrolled bill H.R. 6084, authorizing a bond issue for the town of Ketchikan, Alaska:

I regret to report the loss of enrolled bill H.R. 6084, authorizing a bond issue of Ketchikan, Alaska, which was delivered to my office on May 3 by a messenger from the White House. . . . I recommend that you ask the Congress to authorize the preparation of a duplicate.

1. 79 CONG. REC. 7598, 7633, 74th Cong. 1st Sess.

2. Joseph W. Byrns (Tenn.).

PRESIDENTIAL MESSAGES & EXECUTIVE COMMUNICATIONS **Ch. 35 § 2**

The last approval day is tomorrow, May 15.

In the circumstances, I recommend that a duplicate bill be authorized by concurrent resolution.

FRANKLIN D. ROOSEVELT.
THE WHITE HOUSE, May 15, 1935.

Mr. [Anthony U.] DIMOND [of Alaska]. Mr. Speaker, I offer the following concurrent resolution and ask for its immediate consideration.

The Clerk read as follows:

HOUSE CONCURRENT RESOLUTION 21

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign a duplicate copy of the enrolled bill H.R. 6084, entitled "An act to authorize the city of Ketchikan, Alaska, to issue bonds in any sum not to exceed \$1,000,000 for the purpose of acquiring the electric light and power, water, and telephone properties of the Citizens' Light, Power & Water Co., and to finance and operate the same, and validating the preliminary proceedings with respect thereto, and for other purposes", and that the Clerk of the House be directed to transmit the same to the President of the United States.

The SPEAKER. Is there objection to the immediate consideration of the resolution?

Mr. [Bertrand H.] SNELL [of New York]. Reserving the right to object, what department was this lost in?

Mr. DIMOND. According to the letter, it was lost in the Department of the Interior.

After the resolution was agreed to by the House and the Senate,⁽³⁾ the following communication was laid before the House:

MAY 15, 1935.

The SPEAKER,
House of Representatives, Washington, D. C.

SIR: Pursuant to the provisions of House Concurrent Resolution 21, Seventy-fourth Congress, I have this day presented to the President of the United States the signed duplicate copy of the enrolled bill, H.R. 6084, entitled "An act to authorize the city of Ketchikan, Alaska, to issue bonds in any sum not to exceed \$1,000,000 for the purpose of acquiring the electric light and power, water, and telephone properties of the Citizens' Light, Power & Water Co., and to finance and operate the same, and validating the preliminary proceedings with respect thereto, and for other purposes."

Very truly yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

By H. NEWLIN MEGILL.

Presidential Request to Address the House

§ 2.14 Consistent with the doctrine of separation of powers and the precedents of the House, the Speaker has declined a request of the President to address the House in

3. Senate agreement to H. Con. Res. 21, see 79 CONG. REC. 7551, 74th Cong. 1st Sess., May 15, 1935.

actual session on legislation upon which the House was about to vote, the traditional alternative of a joint session being available to the President.

On June 24, 1986,⁽¹⁾ Rep. Charles Roemer, of Louisiana, took the floor in debate to defend the Speaker's decision not to invite President Ronald W. Reagan to address the House, in session, prior to a vote on a legislative issue.

The President's views were then addressed to the Speaker in a communication, which was laid before the House and read, before the floor action on the issue.⁽²⁾

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES CONCERNING THE QUESTION OF PROVIDING ASSISTANCE TO FREEDOM FIGHTERS IN NICARAGUA (H. Doc. No. 99-237)

The SPEAKER pro tempore (Mr. [GEORGE P.] MILLER of California) laid before the House the following communication from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations, the Com-

1. 132 CONG. REC. 15184, 99th Cong. 2d Sess. For instances of informal visits by the President to Congress, see § 1.10, *supra*.
2. *Id.* at p 15186.

mittee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence and ordered to be printed:

THE WHITE HOUSE
Washington, June 24, 1986.

The Honorable THOMAS P. O'NEILL, Jr.,

Speaker of the House of Representatives, Washington, DC 20515

DEAR MR. SPEAKER: I am transmitting in writing my remarks that I had hoped to deliver to members of the House of Representatives today. It was my desire to speak directly to the members of the House of Representatives to emphasize the importance of achieving a bipartisan approach to address the urgent question of providing assistance to the freedom fighters in Nicaragua. . . .

THE OVAL OFFICE,
June 24, 1986.

My fellow citizens. The matter that brings me before you today is a grave one and concerns my most solemn duty as President. It is the cause of freedom in Central America and the national security of the United States. Tomorrow the House of Representatives will debate and vote on this issue. I had hoped to speak directly and at this very hour to Members of the House of Representatives on this subject, but was unable to do so. Because I feel so strongly about what I have to say, I have asked for this time to share with you—and members of the House—the message I would have otherwise given.

Parliamentarian's Note: In recognition of the doctrine of separation of powers, the Speaker had

suggested that the Congress, by concurrent resolution, invite the President to address the two Houses in joint session “for the purpose of receiving any communication he might be pleased to make.” The President refused the invitation. See also the proceedings of Nov. 13, 1969, where President Richard M. Nixon addressed the House, but not on pending legislation.⁽³⁾

§ 3. Referral

Rule XIV clause 2 provides that Presidential messages are to be referred to the appropriate committees without debate.⁽¹⁾ Accordingly, the referral of a Presidential message to the committee having jurisdiction is usually made by order of the Speaker without debate and without motion from the floor. However, a Presidential message may be referred by the House itself on motion.⁽²⁾ A motion by a Member to make such a referral is privileged.

3. 115 CONG. REC. 34080, 34081, 91st Cong. 1st Sess. President Nixon’s visit was for the stated purpose of thanking Members who had sponsored a resolution calling for a just peace in Vietnam.

1. See *House Rules and Manual* § 873 (2007).

2. 8 Cannon’s Precedents § 3348.

Such a referral may be to a select committee as well as to a standing committee.⁽³⁾

A Presidential message may be divided for referral to more than one committee.⁽⁴⁾

Under Rule XII clause 8, estimates of appropriations and other communications from executive departments are referred by the Speaker as provided in Rule XIV clause 2.

Timing of Referral

§ 3.1 Although the Chair lays before the House a message from the President on the day received, the House on occasion, by unanimous consent, has directed that the referral of the message be postponed until a later day.

On Feb. 3, 1986,⁽¹⁾ the referral of a comprehensive message submitted by the President under the provisions of a budget law was postponed until the next day by unanimous consent so that the

3. *House Rules and Manual* § 875 (2007).

4. 8 Cannon’s Precedents §§ 3348, 3349.

1. 132 CONG. REC. 1347, 99th Cong. 2d Sess. For the principle that the Chair lays a message before the House on the day received, see § 1.1, *supra*.

Speaker could ascertain the proper committees of jurisdiction.

REPORT ON ISSUANCE OF ORDER ON EMERGENCY DEFICIT CONTROL MEASURES FOR FISCAL YEAR 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read.

(For message, see proceedings of the Senate of today, Monday, February 3, 1986.)

The SPEAKER pro tempore (Mr. MAZZOLI).⁽²⁾ Without objection, the Chair's referral of the President's message will be postponed until tomorrow.

There was no objection.

Referral to Committee of the Whole

§ 3.2 The President's annual state of the Union message is referred to the Committee of the Whole House on the state of the Union.

On Feb. 4, 1997,⁽¹⁾ Rep. James E. Rogan, of California, offered the customary motion that the message of the President be referred to the Committee of the

2. Romano L. Mazzoli (Ky.).

1. 143 CONG. REC. 1410, 105th Cong. 1st Sess. See also, *e.g.*, 107 CONG. REC. 1427–31, 87th Cong. 1st Sess., Jan. 30, 1961.

Whole House on the state of the Union:

Mr. ROGAN. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

§ 3.3 Where the President chooses to submit a state of the Union address in writing, rather than delivering it in person, the message is laid before the House, read, and referred to the Committee of the Whole House on the state of the Union.

President Richard M. Nixon, having given his Inaugural Address on Jan. 20, 1973, decided not to make another major address so soon thereafter.

President Nixon's state of the Union message of Feb. 5, 1973,⁽¹⁾ the first such message delivered in writing in many years, was treated as follows:

The SPEAKER⁽²⁾ laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union[.] . . .

§ 3.4 The President's message on the Nation's economy, delivered in person, was, by

1. 119 CONG. REC. 3206, 93d Cong. 1st Sess.

2. Carl Albert (Okla.).

unanimous consent, referred to the Committee of the Whole House on the state of the Union and ordered printed.

On Sept. 9, 1971,⁽¹⁾ when the Members of Congress and invited guests were seated, and President Richard M. Nixon had been escorted to the Clerk's desk, the Speaker presented the President.

The PRESIDENT. Mr. Speaker, Mr. President, my colleagues in the Congress, our distinguished guests: I come before this special joint session to ask the cooperation of the Congress in achieving a great goal: a new prosperity without war and without inflation.

Following a brief recess, Rep. Hale Boggs, of Louisiana, asked unanimous consent that the message of the President be referred:

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The SPEAKER.⁽²⁾ Is there objection to the request of the gentleman from Louisiana?

There was no objection.

§ 3.5 In the 74th Congress, a message of the President re-

1. 117 CONG. REC. 31125–29, 92d Cong. 1st Sess.
2. Carl Albert (Okla.).

lating to a number of matters was referred to the Committee of the Whole House on the state of the Union although the recommendations contained in the message fell within the jurisdiction of several committees.

On Jan. 31, 1935,⁽¹⁾ Speaker Joseph W. Byrns, of Tennessee, laid before the House the following message from the President of the United States:

To the Congress of the United States:

I am submitting herewith the report of the Federal Aviation Commission appointed by me last summer by direction of the Seventy-third Congress. The Commission has made a diligent study of the broad subject of aviation conditions here and elsewhere and emphasizes the excellent American progress in this new form of transportation. The Commission has also studied problems of national defense, of procurement policies, and of the extension of air-transport services. I invite your attention to these comprehensive surveys. . . .

The Commission further recommends the creation of a temporary

1. 79 CONG. REC. 1327, 1328, 74th Cong. 1st Sess. For similar referrals, see 114 CONG. REC. 3955–61, 90th Cong. 2d Sess., Feb. 26, 1968 (H. Doc. No. 261, message concerning the crisis in American cities); 148 CONG. REC. 10575–77, 107th Cong. 2d Sess., June 18, 2002 (H. Doc. No. 107–227, legislative proposal to create a Department of Homeland Security).

air commerce commission. In this recommendation I am unable to concur. I believe that we should avoid the multiplication of separate regulatory agencies in the field of transportation. Therefore, in the interim before a permanent consolidated agency is created or designated over transportation as a whole, a division of the Interstate Commerce Commission can well serve the needs of air transportation. In the granting of powers and duties by the Congress, orderly government calls for the administration of executive functions by those administrative departments or agencies which have functioned satisfactorily in the past, and, on the other hand, calls for the vesting of judicial functions in agencies already accustomed to such powers. It is this principle that should be followed in all of the various aspects of transportation legislation.

FRANKLIN D. ROOSEVELT.
THE WHITE HOUSE, *January 31, 1935.*

Before the Speaker's referral of the message, the following occurred:

Mr. [Schuyler Otis] BLAND [of Virginia]. Mr. Speaker, before the message is referred, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. The message relates to aviation matters that come within the jurisdiction of the Committee on Merchant Marine, Radio, and Fisheries. It also relates to matters that come before the Interstate Commerce Commission. It seems to me that it is highly objectionable that a message of this kind should be referred to one committee.

The SPEAKER. The Chair has the idea of referring the message to the Committee of the Whole House on the state of the Union, and later when the bills are introduced they will be referred to the proper committees. The message, with the accompanying papers, will be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.⁽²⁾

Message Divided for Referral

§ 3.6 A message from the President has been divided for referral, on motion by a Member, between the Committee of the Whole and the Committee on Appropriations.

On Jan. 21, 1946,⁽¹⁾ at the conclusion of the reading by the Clerk of the President's annual message, it was moved that the message and its accompanying report be referred to the Committee of the Whole House on the state of the Union and that the portion of the President's message dealing with the budget be referred to the Committee on Appropriations.

The proceedings were as follows:

Mr. [J. Percy] PRIEST [of Tennessee]. Mr. Speaker, I move that the

2. Before the 94th Congress, the Speaker could not divide a measure for referral. See *House Rules and Manual* § 816 (2007).
1. 92 CONG. REC. 165, 79th Cong. 2d Sess.

President's message and the accompanying report from the Director of War Mobilization and Reconversion be referred to the Committee of the Whole House on the State of the Union and ordered to be printed, and so much of the President's message as relates to the budget be referred to the Committee on Appropriations and ordered to be printed.

The SPEAKER pro tempore.⁽²⁾ The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

§ 3.7 An executive communication from the President transmitting a comprehensive legislative proposal for energy policy reform was divided by titles for initial referral, and the Speaker referred the various portions to four House committees.

A communication from the President proposing comprehensive energy legislation was laid before the House by Speaker pro tempore John J. McFall, of California, on Jan. 31, 1975.⁽¹⁾ The communication was referred on Feb. 4,⁽²⁾ when the Speaker exercised his authority under (current) Rule XII clause 2 to divide the communication among several committees. Dividing a Presi-

dential or other communication for referral is unusual, but is permitted under the Speaker's referral authority.

The communication was laid before the House on Jan. 31, 1975, as follows:

The SPEAKER pro tempore laid before the House the following communication from the President of the United States; which was read, the summary, without objection, ordered to be printed in the Record:

THE WHITE HOUSE,
Washington, January 30, 1975.

The Honorable the SPEAKER,
U.S. House of Representatives,
Washington, D.C. 20515

DEAR MR. SPEAKER: In my state of the Union address earlier this month, I outlined the dimensions of our inter-related economic and energy problems and proposed comprehensive and far-reaching measures for their solution.

The measures I described included both Executive and Congressional actions. Because further delay is intolerable, I have already taken administrative action to deal with our energy problems, including issuance of a proclamation to impose increased fees on imported oil. The Secretary of the Treasury has already presented my detailed energy tax proposals to the House Ways and Means Committee.

I am enclosing a proposed omnibus energy bill—the Energy Independence Act of 1975—which, along with the tax proposals already presented, will provide the combined authorities that are necessary if we are to deal seriously

2. John W. McCormack (Mass.).

1. 121 CONG. REC. 1975, 1976, 94th Cong. 1st Sess.

2. *Id.* at p. 2253.

and effectively with the Nation's pressing energy problems. . . .

The 13 titles of this bill, coupled with appropriate tax measures, are essential to the eventual attainment of our common goal of energy independence. Prompt action on all these measures is essential. . . .

Sincerely,

GERALD R. FORD.

The communication was referred on Feb. 4, 1975, as follows:

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

234. A letter from the President of the United States, transmitting a draft of proposed legislation to increase domestic energy supplies and availability by: authorizing production of the naval petroleum reserves; establishing a National Strategic Petroleum Reserve; assuring increased supplies of natural gas at reasonable prices; amending and extending the Energy Supply and Environmental Coordination Act of 1974; amending the Clean Air Act; alter regulatory practices and procedures of governing electric utilities assuring timely siting consideration, approval and construction of necessary energy facilities; and preventing foreign oil producing countries from undermining efforts to develop petroleum resources; to restrain energy demand by: providing national energy conservation standards for new residential and commercial buildings; authorizing the Federal Energy Administration to assist States in winterizing dwellings of low-income persons; and providing for the labeling of major appliances and motor vehi-

cles; to prepare for energy emergencies by: providing standby energy authorities and implementing the International Energy Program; and for other purposes (H. Doc. No. 94-42); divided and initially referred as follows: title I to the Committee on Armed Services; titles II, III, IV, V, VI, VII, VIII, XII, and XIII to the Committee on Interstate and Foreign Commerce; title IX to the Committee on Ways and Means; and titles X and XI to the Committee on Banking, Currency and Housing, and ordered to be printed.

In recent years the Speaker has referred communications from the President transmitting proposed legislation jointly to all committees having jurisdiction over the legislation. The following excerpt from the *Congressional Record* of July 10, 1989,⁽³⁾ indicates one such referral:

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows: . . .

1425. A communication from the President of the United States, transmitting a draft of proposed legislation to amend the Government-Wide Ethics Act of 1989 to prohibit the acceptance of honoraria by Members of Congress (H. Doc. No. 101-80); jointly to the Committees on House Administration, the Judiciary, and Post Office and Civil Service and ordered to be printed.

§ 3.8 A comprehensive sequestration order under a budget

3. 135 CONG. REC. 14015, 14016, 101st Cong. 1st Sess.

law was referred to “all standing committees” and the Permanent Select Committee on Intelligence, and the House gave the Speaker a special authority to refer myriad executive communications related to the message and to print all as part of a document in any form he might prescribe.

On Feb. 4, 1986,⁽¹⁾ the President submitted a “sequestration order” under the Balanced Budget and Emergency Deficit Control Act of 1985.⁽²⁾

The President’s message was relatively brief, but the accompanying and incorporated documentation, emanating from all government agencies affected by the order, was voluminous. Some elements of that documentation had not been received on the date of the message.

The House, by unanimous consent, authorized the Speaker to incorporate all the documents in one publication.

1. 132 CONG. REC. 1463, 99th Cong. 2d Sess.
2. This part of the Act was later declared unconstitutional and the order was voided. Generally, see Ch. 41, *infra*.

REPORT ON ISSUANCE OF ORDER ON EMERGENCY DEFICIT CONTROL MEASURES FOR FISCAL YEAR 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—H. DOC. NO. 160

Mr. [Thomas S.] FOLEY [of Washington]. Madam Speaker, I ask unanimous consent that the message of the President pursuant to section 252(a)(5) of the Public Law 99-177, together with all the related communications transmitted to the Speaker by Federal departments and establishments pursuant to OMB directive 86-7, January 16, 1986, promulgated pursuant to Public Law 99-177, be printed as one House document in such form as may be determined by the Speaker, and that the Speaker be authorized and directed to refer such message and the accompanying communications as if the communications had been submitted as part of the message.

The SPEAKER pro tempore.⁽³⁾ Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. The message is referred to all standing committees established pursuant to clause 1, rule X, and to the Permanent Select Committee on Intelligence.

(For message, see proceedings of the Senate of yesterday, Monday, February 3, 1986, at p. 1397.)

§ 3.9 The Speaker has referred a Presidential message to the Union Calendar and referred the accompanying documents to committees.

3. Charles Rose (N.C.).

On May 23, 1977,⁽¹⁾ the President included in a message to the Congress several executive communications dealing with the preservation of wildlife, including proposals for the establishment of national wilderness areas and the designation of several rivers as part of the Wild and Scenic Rivers System. The several legislative proposals were included as separate legislative proposals to implement a broad national policy affecting wildlife and the environment. The policy enunciated in the message fell within the jurisdiction of several committees;⁽²⁾ hence the Speaker felt the appropriate reference was to the Committee of the Whole House on the state of the Union. The implementing proposals were referred as executive communications to the Committee on Interior and Insular Affairs, which had specific jurisdiction over the law giving the President the authority to designate waters as part of the Wild and Scenic Rivers System and Federal lands as part of the National Wilderness System.

1. 123 CONG. REC. 15910, 15915, 93d Cong. 1st Sess.
2. Before the 94th Congress, the Speaker could not refer a measure to more than one committee. See *House Rules and Manual* §816 (2007).

PRESERVATION OF THE WILDERNESS, WILDLIFE, NATURAL AND HISTORICAL RESOURCES; EFFECTS OF POLLUTION, TOXIC CHEMICALS AND DAMAGE CAUSED BY DEMAND FOR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 95-160)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Union Calendar and ordered to be printed; and the accompanying papers were referred to the Committee on Interior and Insular Affairs.

To the Congress of the United States:

This message brings together a great variety of programs. It deals not only with ways to preserve the wilderness, wildlife, and natural and historical resources which are a beautiful and valued part of America's national heritage: it deals also with the effects of pollution, toxic chemicals, and the damage caused by the demand for energy. . . .

I am submitting new wilderness proposals for:

—Arches National Park, Utah

—Canyon Lands National Park, Utah[.] . . .

We must identify as quickly as possible the best remaining candidates for inclusion in the Wild and Scenic Rivers System before they are dammed, channelized, or damaged by unwise development along their banks. As a first step, therefore, I am proposing legislation to add segments of eight rivers, totalling 1303 miles, to the system:

—Bruneau River, Idaho;

—Pere Marquette River, Michigan[.]

Referral of Messages Required by Law

§ 3.10 Consistent with section 4 of the War Powers Resolution,⁽¹⁾ requiring the President to submit reports to Congress when United States forces are introduced into certain hostile situations in the absence of a declaration of war, Presidents have customarily informed Congress of such a circumstance by an executive communication, which the Speaker usually refers to committee pursuant to the law but sometimes lays before the House.

On Apr. 14, 1975,⁽²⁾ Speaker Carl Albert, of Oklahoma, laid before the House a communication from President Gerald R. Ford, detailing the introduction of United States troops into Cambodia for the purpose of evacuating United States embassy personnel and others.

The message was laid before the House and referred as follows:

The SPEAKER laid before the House the following communication from the President of the United States; which was read and referred to the Com-

mittee on International Relations and ordered to be printed:

THE WHITE HOUSE,
Washington, April 12, 1975.

The Honorable the SPEAKER
United States House of Representatives
Washington, D.C. 20515

DEAR MR. SPEAKER: As you and other members of Congress were advised, in view of circumstances in Cambodia, the United States had certain contingency plans to utilize United States Armed Forces to assure the safe evacuation of U.S. Nationals from that country. On Friday, 11 April 1975, the Khmer Communists forces had ruptured Government of the Khmer Republic (GKR) defensive lines to the north, northwest and east of Phnom Penh and were within mortar range of Pochentong Airfield and the outskirts of Phnom Penh. In view of this deteriorating military situation, and on the recommendations of the American Ambassador there, I ordered U.S. military forces to proceed with the planned evacuation out of consideration for the safety of U.S. citizens.

In accordance with my desire that the Congress be fully informed on this matter, and taking note of Section 4 of the War Powers Resolution (P.L. 93-148), I wish to report to you that the first elements of the U.S. forces entered Cambodian airspace at 8:34 p.m. EDT on 11 April. . . .

Sincerely,

GERALD R. FORD.

In recent years the Speaker has referred a President's communication regarding the War Powers

1. Public Law 93-148 (50 USC §§ 1541 *et seq.*).
2. 121 CONG. REC. 10065, 94th Cong. 1st Sess.

Resolution and ordered it printed without laying it before the House.⁽³⁾

§ 3.11 A communication from the President, who was out of the country, in the form of a telegram (neither signed nor delivered by messenger from the White House) transmitting a report on the introduction of United States forces in a situation covered by the War Powers Resolution, was referred as an executive communication but not read to the House or printed as a House document.

On Apr. 7, 1975,⁽¹⁾ the following referral was made:

Under clause 2 of rule XXIV [now XIV], executive communications were taken from the Speaker's table and referred as follows: . . .

676. A letter from the President of the United States, transmitting a report on participation of U.S. naval vessels in the evacuation of refugees in South Vietnam, pursuant to section 4(a) of the War Powers Resolution (Public Law 93-148); to the Committee on International Relations.

3. See, e.g., 137 CONG. REC. 1909, 102d Cong. 1st Sess., Jan. 18, 1991 (H. Doc. No. 102-30); 149 CONG. REC. 23224, 108th Cong. 1st Sess., Sept. 24, 2003 (H. Doc. No. 108-129).
1. 121 CONG. REC. 9191, 94th Cong. 1st Sess.

Referral to Select Committee

§ 3.12 The House may refer a Presidential message to an ad hoc select committee created to consider the message, as well as subsequent communications and bills on that subject.

The Speaker usually refers a Presidential message, delivered orally or in writing, to the Union Calendar or to an existing committee. But because of the comprehensive nature of the President's proposed National Energy Policy submitted in the 95th Congress, and to avoid giving jurisdictional primacy to any one standing committee, the Speaker did not refer the message on the evening of its delivery, but allowed the House to act, by resolution, the following day. The House then created a select committee of broad jurisdiction specifically to consider and report the energy message, as well as future communications and bills on the subjects addressed therein. The ad hoc select committee was authorized to receive and consider reports of other standing committees on the subject matter of the message.⁽¹⁾

1. The Ad Hoc Committee on Energy reported H.R. 8444, the National Energy Act, on July 27, 1977. 123

On Apr. 20, 1977,⁽²⁾ a joint session was convened to receive a message from the President in person:

JOINT SESSION OF THE HOUSE
AND SENATE HELD PURSUANT
TO THE PROVISIONS OF
HOUSE CONCURRENT RESO-
LUTION 196 TO HEAR AN AD-
DRESS BY THE PRESIDENT OF
THE UNITED STATES

The SPEAKER of the House pre-
sided. . . .

THE SPEAKER.⁽³⁾ Members of the
Congress, I have the high privilege and
the distinct honor of presenting to you
the President of the United
States. . . .

ADDRESS BY THE PRESIDENT
OF THE UNITED STATES

The PRESIDENT. Mr. President,
Mr. Speaker, Members of the Con-
gress, and distinguished guests:

The last time we met as a group was
exactly three months ago today, on In-
auguration Day. We've had a good be-
ginning as partners in addressing our
nation's problems.

But in the months ahead, we must
work together even more closely to
deal with the greatest domestic chal-
lenge that our nation will face in our
lifetime. We must act now—together—
to devise and to implement a com-
prehensive national energy plan to

CONG. REC. 25311, 95th Cong. 1st
Sess. (H. Rept. No. 95-543).

2. 123 CONG. REC. 11480-83, 95th
Cong. 1st Sess.
3. Thomas P. O'Neill, Jr. (Mass.).

cope with a crisis that otherwise could
overwhelm us. . . .

. . . [I] am confident that together
we will succeed. Thank you very much.

At 9 o'clock and 34 minutes p.m., the
President, accompanied by the com-
mittee of escort, retired from the Hall
of the House of Representatives. . . .

ADJOURNMENT

Mr. [Durwood] Hall [of Missouri].
Mr. Speaker, I move that the House do
now adjourn.

The motion was agreed to; accord-
ingly (at 9 o'clock and 42 minutes p.m.)
the House adjourned until tomorrow,
Thursday, April 21, 1977, at 11 o'clock
a.m.

The next day, on Apr. 21,
1977,⁽⁴⁾ the following proceedings
occurred in the House:

AD HOC COMMITTEE ON
ENERGY

Mr. [James C.] WRIGHT [Jr., of
Texas]. Mr. Speaker, pursuant to
clause 5 of rule X [now clause 2 of Rule
XII], I offer a privileged resolution and
ask for its immediate consideration.

The Clerk read the resolution, as fol-
lows:

H. RES. 508

Resolved, (a) That pursuant to rule
X, clause 5, the Speaker is author-
ized to establish an Ad Hoc Com-
mittee on Energy to consider and re-
port to the House on the message of
the President dated April 20, 1977
(H. Doc. 95-128), on other messages

4. 123 CONG. REC. 11550-56, 95th
Cong. 1st Sess.

or communications related thereto, and on any bill or resolution which the Speaker may sequentially refer thereto which the Speaker determines relates to the substance of the President's message: *Provided, however*, That this paragraph shall not preclude initial reference to the ad hoc committee of a bill or resolution incorporating the recommendations of the committees with subject-matter jurisdiction over the substance of the President's message.

(b) The ad hoc committee shall be composed of thirty-seven Members of the House appointed by the Speaker from those committees of the House which he determines have subject-matter jurisdiction over the substance of the President's message, and from such other committees as the Speaker may determine so as to insure the expeditious consideration and reporting of appropriate legislation. The Speaker shall designate one of the Members as chairman. . . .

THE SPEAKER. The Chair recognizes the gentleman from Texas (Mr. Wright).

Mr. WRIGHT. Mr. Speaker, I yield myself such time as I may consume. This resolution authorizes the Speaker to appoint an ad hoc committee to receive the messages and the recommendations of the President of the United States with respect to the energy problems of this country.

The precedent is clear. Essential parts of this resolution follow precisely the language that was utilized in House Resolution 97 creating the Ad Hoc Select Committee on the Outer Continental Shelf which was agreed to on January 11 of this year.

The purpose of the ad hoc energy committee would be to draw together an interdisciplinary group from various

committees of regular jurisdiction in order to provide one general comprehensive overview. This device should facilitate an opportunity, heretofore lacking, for the House to work its will in achieving a comprehensive energy policy. It is not anticipated that the creation of this ad hoc committee would render any less effective any of those standing committees of the House which now possess jurisdiction over various facets of the energy problem.

It is anticipated that upon receipt from the President of specific legislative recommendations to carry out his energy plan, this ad hoc committee to be appointed by the Speaker might hold hearings and might make recommendations, but that the several components of the recommended legislation would be referred to the standing committees of the House according to their respective jurisdictions under the Rules of the House. Those committees then would be charged by the Speaker with the responsibility of holding hearings, considering the legislation, marking up sections of a bill, and returning those respective sections to the ad hoc committee. . . .

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Amendment of Motion to Refer

§ 3.13 An amendment to a motion to refer a message of the President to a committee is in order when the motion for

the previous question is rejected or when the Member offering the original motion yields for an amendment.

On June 3, 1937,⁽¹⁾ Speaker William B. Bankhead, of Alabama, laid before the House a message from President Franklin D. Roosevelt. Following the reading, Mr. William M. Whittington, of Mississippi, moved that the message be referred to the Committee on Flood Control and ordered printed. Mr. Joseph J. Mansfield, of Texas, rose to propound a parliamentary inquiry. Mr. Whittington yielded in order that the Chair might entertain the inquiry, and the following proceedings ensued:

The SPEAKER. The gentleman from Texas propounds a parliamentary inquiry to the Chair as to whether the gentleman would be entitled to offer as a substitute for the motion made by the gentleman from Mississippi a motion to refer the President's message to the Committee on Rivers and Harbors.

The Chair, anticipating that this question might arise, has looked rather fully into the precedents in reference thereto and finds that on April 4, 1933, when Mr. Rainey was Speaker of the House, this identical proposition was presented.

At that time it will be recalled that a bill was pending with reference to the refinancing of farm-mortgage in-

debtedness. Two committees claimed jurisdiction of the subject matter of that bill, the committee on Banking and Currency and the Committee on Agriculture.

When the President's message was read the chairman of the committee on Agriculture, the gentleman from Texas [Mr. JONES], moved that the President's message be referred to the Committee on Agriculture. Thereupon the specific inquiry now propounded by the gentleman from Texas [Mr. MANSFIELD] was made.

The Chair reads the query and the answer of the Speaker:

MR. STEAGALL. Mr. Speaker, I desire at the proper time to submit a substitute motion that the message be referred to the Committee on Banking and Currency.

Mr. JONES said:

Mr. Speaker, I do not yield for that purpose.

The Speaker stated:

The gentleman from Texas does not yield. It is necessary to vote down the previous question before that motion will be in order.

The gentleman from Mississippi [Mr. WHITTINGTON] is entitled to 1 hour, and the Chair understands he has perfected an arrangement with the gentleman from Texas [MR. MANSFIELD] by which he will yield to the gentleman from Texas one-half of that time. At the conclusion of the debate of 1 hour the Chair assumes the gentleman from Mississippi will move the previous question on the motion referring the message to the Committee on Flood Control. If the previous question should be voted down, then the gentleman from Texas [Mr. MANSFIELD] would have the right and privilege of

1. CONG. REC. 5296-307, 75th Cong. 1st Sess.

offering an amendment to the motion to refer the message. . . .

Mr. [James M.] FITZPATRICK [of New York]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZPATRICK. Assuming the previous question is ordered we will then vote on whether the message shall or shall not be referred to the Committee on Flood Control?

The SPEAKER. If the previous question is ordered, the next vote will be on the motion to refer it to the Committee on Flood Control. If the previous question is not ordered, then it leaves to the determination of the House what course shall be taken with reference to the President's message.

The question was taken; and on a division (demanded by Mr. WHITTINGTON) there were—ayes 61, noes 166.

So the motion for the previous question was rejected.

Mr. MANSFIELD. Mr. Speaker, I now move that the message of the President be referred to the Committee on Rivers and Harbors, and on that motion I move the previous question.

Mr. Whittington then raised another parliamentary inquiry:

Mr. WHITTINGTON. Mr. Speaker, there is now pending the motion I made that the message of the President be referred to the Committee on Flood Control. It occurs to me the motion made by the gentleman from Texas [Mr. MANSFIELD] is improper, and that the proper motion would be to amend my motion, if the gentleman desires that the message be referred to

his committee. My point is there is a motion pending and an independent motion would not be in order.

The SPEAKER. The Chair, upon reconsideration, is of the opinion the proper procedure would be for the gentleman from Texas to offer an amendment to the pending motion, to the effect that the message of the President be referred to the Committee on Rivers and Harbors.

Mr. MANSFIELD. Mr. Speaker, I make that motion at this time.

The SPEAKER. The gentleman from Texas offers an amendment to the motion, which the Clerk will report.

The Clerk read as follows:

Mr. MANSFIELD moves, as an amendment to the motion made by the gentleman from Mississippi [Mr. WHITTINGTON], to refer the President's message to the Committee on Rivers and Harbors.

Mr. WHITTINGTON. Mr. Speaker, in view of the action of the House, I beg to say that that amendment is agreeable to me; and for the sake of the RECORD, I should like to have permission to withdraw the motion I made, and I ask unanimous consent so to do, in order that the gentleman may present his motion.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to withdraw his motion. Is there objection?

There was no objection.

The SPEAKER. The Chair will now recognize the gentleman from Texas to move that the President's message be referred to the Committee on Rivers and Harbors.

Change of Referral

§ 3.14 In one instance, the Speaker on his own initiative

changed the referral of a Presidential message on the day received.

On Jan. 27, 1958,⁽¹⁾ Speaker Sam Rayburn, of Texas, announced that he was going to change the referral of a Presidential message received and referred earlier that day:

The SPEAKER. After further examination of the President's message and the recommendations made therein, the Chair believes that the proper committee to which to refer the President's message is the Committee on Education and Labor instead of the Committee on Interstate and Foreign Commerce, because on the Science Foundation no new law is suggested, simply more appropriations. The other part of the President's message deals with [legislation on] education. Therefore the Chair is going to change the reference of the President's message and whatever bills are introduced on that subject, to the Committee on Education and Labor.

§ 3.15 The House may change the Speaker's referral of a Presidential message by unanimous consent.

On July 18, 1919,⁽¹⁾ a message was received from the President of the United States, and being read, was referred by Speaker Frederick

1. 104 CONG. REC. 1112, 85th Cong. 2d Sess.

1. 58 CONG. REC. 2852-54, 66th Cong. 1st Sess.

H. Gillett, of Massachusetts, to the Committee on Military Affairs. Later that day, upon agreeing to a unanimous-consent request made by the Speaker, the House re-referred a portion of the message to the Committee on Naval Affairs.

Referral by Designated Speaker Pro Tempore

§ 3.16 When a designated Speaker pro tempore was presiding, a Presidential message was referred to committee and ordered printed only by unanimous consent.

The proceedings of Jan. 24, 1968,⁽¹⁾ provide an exemplar of this earlier practice. On that day, Speaker John W. McCormack, of Massachusetts, laid before the House the following message from the President of the United States, which was read:

To the Congress of the United States:

In each of the past three years I have sent to the Congress a special message dealing with Civil Rights. This year I do so again, with feelings of both disappointment and pride[.] . . .

I ask the Congress to take another forward step this year—by adopting this legislation fundamental to the

1. 114 CONG. REC. 818-821, 90th Cong. 2d Sess.

human rights and dignity of every American.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 24, 1968.*

Upon conclusion of the reading, and with a designated (that is, nonelected) Speaker pro tempore⁽²⁾ in the chair, the message was, by unanimous consent, referred by the Speaker pro tempore to the Committee of the Whole House on the state of the Union and ordered to be printed.⁽³⁾

In the modern practice, and as a reflection of the nature of the transaction, designated Speakers pro tempore have exercised independently the responsibility of the Speaker for referrals in the and other areas that arise periodically but unpredictably during the business of the House.

Referral of Presidential Message as Related to Unfinished Business

§ 3.17 Messages from the President may be read and referred before the House proceeds with unfinished business.

On Oct. 19, 1966,⁽¹⁾ Speaker John W. McCormack, of Massa-

2. Carl Albert (Okla.).

3. See also, *e.g.*, 149 CONG. REC. 25070, 108th Cong. 1st Sess., Oct. 17, 2003.

1. 112 CONG. REC. 27640, 89th Cong. 2d Sess.

chusetts, laid before the House messages from the President which had been received on the previous day. They were read and referred to the appropriate committee before the consideration of unfinished business from the previous day.

The SPEAKER laid before the House the following message from the President of the United States . . . which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I am transmitting the third Annual Report on Special International Exhibitions for the fiscal year 1965 pursuant to section 108(b) of the Mutual Educational and Cultural Exchange Act of 1961—Public Law 87-256. . . .

LYNDON B. JOHNSON.

Enclosures:

1. Letter of transmittal.
2. Report.

THE WHITE HOUSE, *October 18, 1966.*

SEMIANNUAL REPORT ON THE
NATION'S SPACE PROGRAM—
MESSAGE FROM THE PRESIDENT OF THE UNITED STATES
(H. DOC. NO. 526)

The SPEAKER laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered printed, with illustrations.

To the Congress of the United States:

This is a report of a period—July 1 through December 31, 1965—characterized by outstanding progress in the Nation's space program. . . .

LYNDON B. JOHNSON.
THE WHITE HOUSE, *October 19 1966.*

ANNOUNCEMENT BY THE
SPEAKER—DISPOSING OF
PENDING BUSINESS

The SPEAKER. The Chair will receive unanimous-consent requests, after the disposition of pending business.

The unfinished business is the vote on agreeing to the resolution (H. Res. 1062) certifying the report of the Committee on Un-American Activities as to the failures of Jeremiah Stamler to give testimony before a duly authorized subcommittee of said committee.

The Clerk read the title of the resolution.

Referral of Presidential Nomination of Vice President

§ 3.18 Under the 25th Amendment, when the President submits a nomination to fill a vacancy in the office of Vice President, he does so by written message.

Vice President Spiro Agnew submitted his resignation to the Secretary of State on Oct. 10, 1973.⁽¹⁾ On Saturday, Oct. 13,

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1. Under 3 USC § 20, the resignation of a President or Vice President is submitted to the Secretary of State.

President Richard M. Nixon nominated Representative Gerald R. Ford, of Michigan, who was then the Minority Leader of the House, to fill the vacancy in that office.⁽²⁾ The House met on Saturday, Oct. 13,⁽³⁾ in order to receive the written message transmitting the nomination on the same day as the Senate. In the House, the Speaker referred the nomination to the standing committee with jurisdiction of matters relating to Presidential succession.

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

NOMINATION OF VICE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-165)

The Speaker laid before the House the following message from the President of the United States; which was read and referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

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2. Pursuant to § 2 of the 25th Amendment to the Constitution, whenever there is a vacancy in the office of the Vice President, the President nominates a Vice President, who takes office upon confirmation by a majority vote of each House.
 3. 119 CONG. REC. 34032, 93d Cong. 1st Sess.

Pursuant to the provisions of Section 2 of the Twenty-fifth Amendment to the Constitution of the United States, I hereby nominate Gerald R. Ford, of Michigan, to be the Vice President of the United States.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1973.*

Parliamentarian's Note: The 25th Amendment was ratified in 1967, and President Nixon's nomination of Gerald Ford was the first application of section 2 of that Amendment. Therefore, most of the decisions concerning the nomination and the confirmation process—the order and manner of consideration of the nomination and the ceremony following the completion of congressional action—were of first impression. Although the details of the process are carried elsewhere in this work,⁽⁴⁾ some of those decisions of first impression are noted here for the convenience of the reader.

The Senate acted first on the nomination on Dec. 27, 1973,⁽⁵⁾ reflecting the traditional role of that body in considering nominations and the unique position of the Vice President as President of the Senate.

To preserve the independence of the deliberative process in the two

Houses, the House was not formally notified of the Senate confirmation until House action was completed.

The House voted on the nomination by adopting a House resolution⁽⁶⁾ which was not handled as a privileged matter⁽⁷⁾ but was voted on in the full House after debate in the Committee of the Whole under the terms of a special order-of-business resolution reported by the Committee on Rules.⁽⁸⁾

The oath of office was, at the express request of the new Vice President, administered during a joint meeting in the House Chamber.⁽⁹⁾ The form of the ceremony

4. See Ch. 10 § 4.3, *supra*, and Ch. 13 § 22.1, *supra*.

5. 119 CONG. REC. 38212, 93d Cong. 1st Sess.

6. H. Res. 738, 119 CONG. REC. 39807–900, 93d Cong. 1st Sess., Dec. 6, 1973.

7. With respect to the issue of privilege of a resolution confirming the nomination, see dictum of Speaker Gillett on May 6, 1921, that aside from questions of considering vetoed bills and impeachment charges, conferral by the Constitution upon the House of the power to take certain actions, such as declarations of war and apportionments after decennial censuses, does not make those questions privileged for immediate consideration upon demand of any Member. 6 Cannon's Precedents § 48.

8. H. Res. 738, 119 CONG. REC. 39807–900, 93d Cong. 1st Sess., Dec. 6, 1973.

9. 119 CONG. REC. 39925–27, 93d Cong. 1st Sess., Dec. 6, 1973.

itself was the mutual decision of the leadership in the two Houses and the President.

§ 3.19 A second nomination of a Vice President pursuant to the 25th Amendment was submitted to the Congress in 1974.

With Vice President Ford becoming President upon the resignation of President Nixon, there was again a vacancy in the office of the Vice President. On Aug. 20, 1974,⁽¹⁾ President Ford nominated Nelson A. Rockefeller, of New York, to be Vice President.

The procedure followed in the House with respect to that nomination was similar to that used the year before with respect to the nomination of Gerald Ford.⁽²⁾ The message transmitting the nomination was received by the House on Aug. 20, 1974, and was referred by the Speaker to the Committee on the Judiciary. After hearings before that committee and the reporting by that committee to the House of a resolution confirming the nomination, with an accompanying report,⁽³⁾ the House

adopted a special order-of-business resolution providing for consideration of the confirmation resolution in the Committee of the Whole.⁽⁴⁾ Pursuant to that special order-of-business resolution, the House considered and agreed to the confirmation resolution on Dec. 19, 1974.

The Senate, acting first on the nomination (as it had in the prior case of the Ford nomination), informed the House of its confirmation of the nomination on Dec. 19, following adoption by the House of a confirmation resolution that same day.⁽⁵⁾

Members of the House were invited to attend the swearing-in ceremonies held in the Senate Chamber later that same day.⁽⁶⁾

Classified Material

§ 3.20 The President sometimes transmits to Congress classified material requiring special handling and processing in referral.

On Jan. 26, 1970,⁽¹⁾ a message from the President, transmitting a

1. 120 CONG. REC. 29366, 93d Cong. 2d Sess.
2. See § 3.18, *supra*.
3. H. Res. 1511, confirming Nelson A. Rockefeller as Vice President of the United States, together with the report thereon, H. Rept. No. 93-1609.

4. See 120 CONG. REC. 41419-41517, 93d Cong. 2d Sess., Dec. 19, 1974 [H. Res. 1519, providing for consideration of H. Res. 1511].
5. *Id.* at p. 41517.
6. *Id.* at pp. 41181, 41182.

1. 116 CONG. REC. 1017, 1018, 91st Cong. 2d Sess.

copy of an amendment to an agreement regarding cooperation on the uses of atomic energy for mutual defense purposes, together with an accompanying envelope marked “Secret,” were laid before the House.

To the Congress of the United States:

Pursuant to the Atomic Energy Act of 1954 as amended, I am submitting to the Congress an authoritative copy of an amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended. The Amendment was signed at Washington on October 16, 1969. . . .

I am also transmitting a copy of the Secretary of State’s letter to me accompanying authoritative copies of the signed Amendment, a copy of a joint letter from the Chairman of the Atomic Energy Commission and the Secretary of Defense recommending approval of this Amendment, and a copy of my memorandum in reply thereto, setting forth my approval.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1970.*

Parliamentarian’s Note: The President’s message was laid before the House and read and then referred to the Joint Committee on Atomic Energy, along with an accompanying classified envelope marked “Secret,” which was not opened or read. After processing

the message, the bill clerk delivered the message and accompanying envelope to a staff member of the joint committee, who signed a receipt therefor.⁽⁹⁾

In the case of a classified executive communication that is received when the House is not in session, an employee in the Office of the Clerk who has an appropriate security clearance delivers the document to the appropriate committee and the referral is noted in the *Congressional Record*.

§ 4. Joint Sessions to Receive Presidential Messages: In General

The President, under the Constitution,⁽¹⁾ has the duty from time to time to give to the Congress information on the state of the Union and to recommend the consideration of such measures as he considers necessary and expedient. Such “state of the Union” messages are, in modern practice, delivered in person, but may be transmitted in writing.⁽²⁾ When the President has indicated an intention to address Congress in

9. See also 108 CONG. REC. 9524, 87th Cong. 2d Sess., May 31, 1962.

1. U.S. Const. art. II, § 3.

2. See § 3.3, *supra*.

person, the two Houses provide by concurrent resolution for a joint session to receive the message. Such a resolution is held to be of the highest privilege.⁽³⁾

Topics that the President has covered in messages delivered in person to joint sessions of Congress, in addition to state of the Union and budgetary matters, have included the threat of war in the world,⁽⁴⁾ a declaration of war on Japan,⁽⁵⁾ the results of the Yalta Conference at the close of World War II hostilities,⁽⁶⁾ the return of a bill regarding military pay,⁽⁷⁾ a legislative proposal to settle strikes affecting the railroads and soft coal mining industries,⁽⁸⁾ a legislative proposal for comprehensive health care reform,⁽⁹⁾ the announcement of a Middle East peace agreement,⁽¹⁰⁾

3. 8 Cannon's Precedents § 3335.

4. 86 CONG. REC. 6242–44, 76th Cong. 3d Sess., May 16, 1940; and 147 CONG. REC. 17455–57, 107th Cong. 1st Sess., Sept. 20, 2001.

5. 87 CONG. REC. 9519–38, 77th Cong. 1st Sess., Dec. 8, 1941.

6. 91 CONG. REC. 1618–22, 79th Cong. 1st Sess., Mar. 1, 1945.

7. 79 CONG. REC. 7993–97, 74th Cong. 1st Sess., May 22, 1935.

8. 92 CONG. REC. 5752, 5753, 79th Cong. 2d Sess., May 25, 1946.

9. 139 CONG. REC. 22141–47, 103d Cong. 1st Sess., Sept. 22, 1993.

10. 124 CONG. REC. 29916, 29917, 95th Cong. 2d Sess., Sept. 18, 1978.

and the announcement of the end of military operations in the Persian Gulf region.⁽¹¹⁾

Authorizing Resolutions

§ 4.1 A joint session of the two Houses for the purpose of receiving a message from the President is arranged by a concurrent resolution.

On Jan. 7, 1959,⁽¹⁾ the House agreed to a concurrent resolution providing for a joint session for the purpose of receiving the President's message:

Mr. [John W.] MCCORMACK [of Massachusetts]. Mr. Speaker, I offer a resolution (H. Con. Res. 1) and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the hall of the House of Representatives on Friday, January 9, 1959, at 12:30 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The resolution was agreed to.

The Senate agreed to the concurrent resolution on the next day.⁽²⁾

11. 137 CONG. REC. 5139–42, 102d Cong. 1st Sess., Mar. 6, 1991.

1. 105 CONG. REC. 16, 86th Cong. 1st Sess.

2. See 105 CONG. REC. 144, 86th Cong. 1st Sess., Jan. 8, 1959.

§ 4.2 A concurrent resolution providing for a joint session to receive a message from the President is privileged.

On Sept. 8, 1971,⁽¹⁾ a privileged concurrent resolution was called up from the floor as follows:

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 395) and ask for its immediate consideration.⁽²⁾

The Clerk read the concurrent resolution as follows:

H. CON. RES. 395

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, September 9, 1971, at 12:30 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

President May Suggest Date for Joint Session

§ 4.3 When at the beginning of a new Congress the House has completed its essential organizational business, it

1. 117 CONG. REC. 30845, 92d Cong. 1st Sess.
2. In the Senate, such a measure is a question of high privilege. Riddick/Frumin, *Senate Procedure*, p. 892, S. Doc. No. 101-28 (1992).

informs the President, by committee, that it has established a quorum and is ready to receive any message he may wish to transmit. The committee, when it reports back to the House, sometimes informs the House of the date on which the President desires to address a joint session.

On Jan. 14, 1975,⁽¹⁾ for example, the Majority Leader, a member of the committee appointed to inform the President that the new House was prepared to proceed to business, reported and informed the House of the date on which the President was prepared to address a joint session.

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty. The President asked us to report that he will be pleased to deliver his message at 1 p.m., Wednesday, January 15, 1975, to a joint session of the two Houses.

JOINT SESSION OF CONGRESS—
STATE OF THE UNION MESSAGE

Mr. O'NEILL. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 1)

1. 121 CONG. REC. 34, 94th Cong. 1st Sess.

and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on January 15, 1975 at 1 o'clock p.m. for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Joint Session to Receive Veto Message Delivered in Person by the President

§ 4.4 On one occasion, the President delivered a veto message to a joint session of Congress.

Although the Senate debated the right of the President to deliver a veto message in person,⁽¹⁾ President Franklin D. Roosevelt addressed a joint session on May 22, 1935, for that purpose.⁽²⁾

At 12 o'clock and 27 minutes p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk, amid prolonged applause.

1. 79 CONG. REC. 7896-912, 74th Cong. 1st Sess., May 21, 1935.
2. *Id.* at pp. 7993, 7996.

The SPEAKER.⁽³⁾ Senators and Representatives of the Seventy-fourth Congress, I have the distinguished honor and privilege of presenting to you the President of the United States. [Applause.]

VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES—ADJUSTED-SERVICE CERTIFICATES (H. DOC. NO. 197)

The PRESIDENT OF THE UNITED STATES. Mr. Speaker and Members of the House of Representatives, 2 days ago a number of gentlemen from the House of Representatives called upon me and with complete propriety presented their reasons for asking me to approve the House of Representatives bill providing for the immediate payment of adjusted-service certificates. In the same spirit of courtesy I am returning this bill today to the House of Representatives. . . .

As to the right and the propriety of the President in addressing the Congress in person, I am very certain that I have never in the past disagreed, and will never in the future disagree, with the Senate or the House of Representatives as to the constitutionality of the procedure. With your permission, I should like to continue from time to time to act as my own messenger. . . .

Therefore, Mr. Speaker, I return, without my approval, House of Representatives bill no. 3896, providing for the immediate payment to veterans of the 1945 face value of their adjusted-service certificates.

Thereupon (at 1 o'clock and 10 minutes p. m.) the President retired from the Hall of the House.

3. Joseph W. Byrns (Tenn.).

At 1 o'clock and 12 minutes p.m., the Speaker announced that the joint session was dissolved.

Thereupon the Vice President and the Members of the Senate returned to their Chamber.

ACTION ON THE VETO MESSAGE OF
THE PRESIDENT

The SPEAKER. The objections of the President will be entered at large on the Journal, and the message and the bill printed as a House document.

The question is, Will the House of Representatives, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Parliamentarian's Note: The return of a bill in this manner was unusual as the message otherwise is delivered to the House originating the measure. The other House would be notified only following action by the first House. The House here properly waited until the dissolution of the joint session and the departure of the Senate before proceeding to the reconsideration of the bill.

§ 5. Joint Sessions to Receive Presidential Messages: Procedure

At the appointed hour for a joint session to receive the President, the Members of the Senate arrive and occupy the seats re-

served for them. The President of the Senate (the Vice President) sits to the right of the Speaker, but in the absence of the Vice President, the President pro tempore sits to the left of the Speaker. The Speaker presides.⁽¹⁾ Since the inception of television coverage in the House, the President almost always delivers his annual state of the Union message in the evening.⁽²⁾

Speaker's Declaration of Recess

§ 5.1 The Speaker declares a recess in connection with a joint session to receive a message in person from the President.

Under the authority of Rule I clause 12(a) to "suspend the business of the House for a short time when no question is pending before the House,"⁽¹⁾ the Chair declares a recess for the purpose of preparing the Chamber for a joint session to receive a message from the President, as seen in the proceedings of Jan. 29, 2002:⁽²⁾

1. *House Rules and Manual* § 169 (2007).
2. The first instance of a President delivering an annual message at an evening session occurred on Jan. 3, 1936. See 80 CONG. REC. 27-30, 74th Cong. 2d Sess.
1. *House Rules and Manual* § 638 (2007).
2. 148 CONG. REC. 329, 330, 107th Cong. 2d Sess.

The SPEAKER pro tempore.⁽³⁾ Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 5 o'clock and 30 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

The proceedings of Jan. 7, 1959,⁽⁴⁾ exemplify the grant of authority for the Speaker to declare a recess that was necessary before the adoption of Rule I clause 12(a) at the beginning of the 103d Congress.

On that date, following the adoption of a concurrent resolution providing for a joint session of the two Houses to receive a message from the President on Jan. 9,⁽⁵⁾ the Speaker, Sam Rayburn, of Texas, was authorized by unanimous consent to declare a recess at any time on that date, as follows:

Mr. [John W.] MCCORMACK [of Massachusetts]. Mr. Speaker, I ask unanimous consent that on Friday, January 9, 1959, it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

3. John E. Sweeney (N.Y.).

4. 105 CONG. REC. 16, 86th Cong. 1st Sess.

5. 80 CONG. REC. 9, 74th Cong. 2d Sess. (S. Con. Res. 25).

There was no objection.

Ceremonial Procedure at the Joint Session

§ 5.2 The two Houses follow established ceremonial procedures at a joint session to receive a message from the President.

On Jan. 31, 2006,⁽¹⁾ the two Houses met in joint session to receive the President's annual state of the Union message. As part of the preparation for the joint session, the Chair announced the customary policy on floor privileges for the joint session. The Chair also announced that the practice of reserving seats by placard for the joint session would not be allowed and that Members could reserve seats only by their physical presence following a security sweep of the Chamber.

The proceedings were as follows:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽²⁾ The Chair desires to make an announcement.

After consultation among the Speaker, the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when

1. 152 CONG. REC. _____ [Daily Record H14-H19], 109th Cong. 2d Sess.

2. Ray LaHood (Ill.)

the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 5 o'clock and 22 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order at 8 o'clock and 43 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 77 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker⁽³⁾ of the House presided.

The Deputy Sergeant at Arms,⁽⁴⁾ Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker,⁽⁵⁾ and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Missouri (Mr. BLUNT); . . .

The gentleman from South Carolina (Mr. CLYBURN).⁽⁶⁾

3. J. Dennis Hastert (Ill.).
4. Before the abolition of the office in 1995 (see *House Rules and Manual* §663a (2007)), the Doorkeeper announced all attendees. See, e.g., 105 CONG. REC. 32–36, 86th Cong. 1st Sess., Jan. 7, 1948.
5. In the absence of the Vice President (the President of the Senate), the Senate is represented on the Speaker's rostrum by its President pro tempore, who sits to the Speaker's left. See *House Rules and Manual* §169 (2007).
6. The full House escort committee consisted of the Majority Leader, Roy Blunt (MO), the Republican Conference Chairman, Deborah Pryce

The VICE PRESIDENT.⁽⁷⁾ The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Tennessee (Mr. FRIST); . . .

The Senator from New Jersey (Mr. MENENDEZ).

The Deputy Sergeant at Arms announced the Dean of the Diplomatic Corps. . . .

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.⁽⁸⁾

The Deputy Sergeant at Arms announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

(OH), the Rules Committee Chairman, David Dreier (CA), the Minority Leader, Nancy Pelosi (CA), the Minority Whip, Steny Hoyer (MD), and the Democratic Caucus Chairman, Jim Clyburn (SC). At the time of this joint session, the positions of Majority Whip and Democratic Caucus Vice Chairman were vacant.

7. Richard B. Cheney (Wyo.)

8. Under an earlier practice, the entire diplomatic corps was announced. See, *e.g.*, 94 CONG. REC. 32, 80th Cong. 2d Sess., Jan. 7, 1948; 136 CONG. REC. 905, 101st Cong. 2d Sess., Jan. 31, 1990.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 7 minutes p.m., the Sergeant at Arms, the Honorable Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising).

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. Speaker, Vice President CHENEY, Members of Congress, members of the Supreme Court and Diplomatic Corps, distinguished guests and fellow citizens: . . .

May God bless America.

(Applause, the Members rising.)

At 10 o'clock and 5 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet; Chief Justice of the United States and Associate Justices of the Supreme Court;

The Dean of the Diplomatic Corps.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 10 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COM- MITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. [Bob] GOODLATTE [of Virginia]. Mister Speaker, I move that the message of the President be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

The motion was agreed to.

State of the Union and Budget as One Message

§ 5.3 The President has submitted his annual message on the state of the Union and his budget message in one communication.

On Jan. 21, 1946,⁽¹⁾ President Harry S Truman submitted in

1. 92 CONG. REC. 136–155, 79th Cong. 2d Sess.

writing his annual message on the state of the Union. His comments on the budget were included in the same message.

Messages in Writing Accompanying State of the Union Address

§ 5.4 On one occasion, the President delivered his state of the Union address to a joint session of Congress and delivered in writing a lengthy message carrying his legislative program in more detail than in the text read to the Members. On motion, the House ordered both texts printed as a single document and referred to the Union Calendar.

For the state of the Union message delivered on Jan. 30, 1974,⁽¹⁾ President Richard M. Nixon delivered an abbreviated version in person and provided a longer version in writing. The delivered speech took about 40 minutes; the written text submitted under separate seal, was some 22,000 words in length.⁽²⁾

1. See 120 CONG. REC. 1465–85, 93d Cong. 2d Sess.

2. *Parliamentarian's Note*: At the time of this state of the Union message the House Committee on the Judiciary had commenced an impeachment inquiry.

The proceedings were as follows:

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 43 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 413 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided. . . .

The SPEAKER.⁽³⁾ My colleagues of the Congress, I have the distinct privilege and the high personal honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-206)

The PRESIDENT. Mr. Speaker, Mr. President, my colleagues in the Congress, our distinguished guests, and my fellow Americans:

. . . Tonight, for the first time in 12 years, a President of the United States can report to the Congress on the state of a Union at peace with every nation of the world.

Because of this, in the 22,000-word message on the state of the Union that

3. Carl Albert (Okla.).

I have just handed to the Speaker of the House and the President of the Senate, I have been able to deal primarily with the problems of peace, with what we can do here at home in America for the American people, rather than with the problems of war. The measures I have outlined in this message set an agenda for truly significant progress for this Nation and the world in 1974. . . .

[Applause, the Members rising.]

The state of the Union message, referred to by the President, and submitted to the Congress, is, in its official text, as follows:

To the Congress of the United States:

We enter 1974 not at the beginning of an historical cycle, but in the middle of one. Beginnings have been made in many vital areas, beginnings which we now must build upon. New needs have arisen which we are in the process of addressing. Opportunities are coalescing which give us a chance to make historic progress toward a stable peace and expanding prosperity. . . .

I have full confidence that we will meet that responsibility.

RICHARD NIXON.

THE WHITE HOUSE, *January 30, 1974.*

At 9 o'clock and 48 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives. . . .

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 55 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

REFERENCE OF PRESIDENT'S
MESSAGE

Mr. [Charles] ROSE [of North Carolina]: Mr. Speaker, I move that the message of the President together with the accompanying documents be referred to the Committee of the Whole House on the state of the Union and ordered printed.

The motion was agreed to.

§ 5.5 In the second session of the 96th Congress, the President transmitted his state of the Union speech in writing on the day before he delivered the address to a joint session of Congress.

When the second session of the 96th Congress convened to conduct its organizational business, the Majority Leader, appointed by the Speaker to the select committee to notify the President that a quorum was assembled and that the House was ready to proceed to business, reported back to the House that the President wished to address a joint session of Congress on the state of the Union on the following day. His written speech was transmitted on Jan. 22, 1980,⁽¹⁾ and was read (in

1. 126 CONG. REC. 190–215, 96th Cong. 2d Sess.

brief), referred to the Union Calendar, and ordered printed. Both versions were thus printed as House documents.⁽²⁾

The written message was laid before the House and subsequent proceedings were as follows:

STATE OF THE UNION ADDRESS—
MESSAGE FROM THE PRESIDENT OF THE UNITED STATES
(H. DOC. NO. 96–250)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

My State of the Union Address will be devoted to a discussion of the most important challenges facing our country as we enter the 1980's. . . .

We must move together into this decade with the strength which comes from realization of the dangers before us and from the confidence that together we can overcome them.

JIMMY CARTER.
THE WHITE HOUSE, *January 21, 1980.*

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, your committee

2. The address to the joint session was printed as H. Doc. No. 96–257. See 126 CONG. REC. 380–382, 96th Cong. 1st Sess., Jan. 22, 1980.

on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

The President asked us to report that he will be pleased to deliver his message at 9 p.m., Wednesday, January 23, 1980, to a joint session of the two Houses. . . .

JOINT SESSION OF CONGRESS—
STATE OF THE UNION ADDRESS

Mr. WRIGHT. Mr. Speaker I offer a concurrent resolution (H. Con. Res. 241) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 241

Resolved by the House of Representatives (the Senate concurring) That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, January 23, 1980, at 9 o'clock postmeridiem for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

Consecutive Joint Sessions to Count Electoral Votes and Receive Presidential Message

§ 5.6 At the inception of the 79th Congress, immediately

after a joint session was held for the purpose of counting electoral votes, a second joint session was held to hear the President's annual message read by the Clerk.

On Jan. 6, 1945,⁽¹⁾ a recess having expired, the House was called to order by the Speaker. The Senate entered the Hall, preceded by the Vice President and the Secretary of the Senate. The Vice President addressed the assembly as to the purpose of the joint session:

The VICE PRESIDENT.⁽²⁾ Mr. Speaker and gentlemen of the Congress, the Senate and the House of Representatives, pursuant to the requirements of the Constitution and laws of the United States, have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President. . . .⁽³⁾

The tellers proceeded to read, count, and announce the electoral votes of the several States in alphabetical order. The Vice President then announced that the certificates of all the States had been opened and read, and that the tellers would make final ascertainment of the result and deliver it to the Vice President.

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1. 191 CONG. REC. 90–97, 79th Cong. 1st Sess.
 2. Henry A. Wallace (Iowa).
 3. Electoral College, see Ch. 10, *supra*.

This done, the Vice President dissolved the joint session, called pursuant to Senate Concurrent Resolution 1, and indicated that the Senate would remain in the House Chamber pursuant to Senate Concurrent Resolution 2, to receive a message in writing from the President of the United States. This message was communicated to the joint session by one of the President's secretaries. The Speaker laid the message before the joint session and it was read:

To the Congress of the United States:

In considering the state of the Union, the war, and the peace that is to follow, are naturally uppermost in the minds of all of us. . . .

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 6, 1945.*

Following the reading, the joint session was dissolved by the Speaker. The Senate retired from the Hall of the House, and the House was called to order by the Speaker.

§ 6. Letters From the President

Letter in Support of Bill

§ 6.1 During debate in the Committee of the Whole, the Clerk, by unanimous consent, read a letter from the

President to the Speaker in which the President expressed his support for the bill then under consideration.

On Nov. 20, 1969,⁽¹⁾ while the House was sitting as the Committee of the Whole, the Speaker, John W. McCormack, of Massachusetts, rose to announce that he had just received a letter from the President relating to the legislation then under discussion.

The following proceedings ensued:

Mr. McCORMACK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have just received a letter from President Nixon. I understand the minority leader also received a letter. I received it a few minutes ago. It relates to the bill pending before the House. I would like to have the contents of the letter read to the House so that the Members will have in mind the views expressed by the President in his letter to me.

Mr. Chairman, I ask unanimous consent that the Clerk be authorized to read the letter of the President of the United States.

The CHAIRMAN.⁽²⁾ Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the letter as follows:

THE WHITE HOUSE,
Washington.

1. 115 CONG. REC. 35192, 35193, 91st Cong. 1st Sess.
2. Charles M. Price (Ill.).

Hon. JOHN W. McCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER:. . .

. . . [I] hope that Congressional leaders will approach this year's decisions on foreign assistance with a full appreciation of the serious consequences of both the reductions so far and any deeper cuts that may be advocated. Such reductions will have virtually no effect on our actual expenditures in FY 1970 because of the lag in actually disbursing the funds, but would have an extremely serious impact on our leadership responsibilities in this important field. I therefore urge you to avoid or minimize further cuts in the bill now before the House.

Sincerely,

RICHARD NIXON.

Mr. McCORMACK. Mr. Chairman, the views of the President of the United States, without regard to political party or the political party of the President, are always worthy of consideration by the Members of this body.

Letter Treated as Executive Communication

§ 6.2 A letter from the President to the Speaker, advocating certain legislative action, was laid before the House.

On Nov. 12, 1969,⁽¹⁾ Speaker John W. McCormack, of Massachusetts, laid before the House a

1. 115 CONG. REC. Cong. Rec. 33739, 91st Cong. 1st Sess.

letter from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce and ordered to be printed.⁽²⁾

THE WHITE HOUSE,
Washington, D.C., November 6, 1969.

Hon. JOHN W. McCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Air transportation is a rapidly growing and vital part of the national economy. It is essential that we keep our air transportation system safe, economic and efficient. I have stressed many times my determination to take the steps necessary to maintain the safety and improve the effectiveness of the nation's air traffic control system. . . .

Since the continuing resolution has held the operation of the Department of Transportation so far in the fiscal year to the fiscal year 1969 level, no additional appropriations beyond the pending 1970 budget request will be required to support these additional 1,000 traffic controller positions.

I urgently request that the Congress approve this proposal.

Sincerely,

RICHARD NIXON.

2. See also 103 CONG. REC. 6019-21, 85th Cong. 1st Sess., Apr. 18, 1957 (letter from the President in response to a House resolution requesting him to indicate where certain budget reductions could be made was laid before the House by the Speaker, read, referred to committee, and ordered printed).

§ 6.3 The Speaker laid before the House a letter from the President supporting a bill then pending before the House.

On Sept. 14, 1970,⁽¹⁾ the Speaker laid before the House the following communication from the President of the United States. It was read and referred to the Committee on Banking and Currency and ordered to be printed.⁽²⁾

THE WHITE HOUSE,
Washington, September 11, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is now pending before the House a bill of vital importance to the international economic and financial interests of the United States. H.R. 18306 authorizes increased U.S. participation in four multilateral financial institutions: . . .

This legislation has my full support. I believe that the national interest will be served by passage of H.R. 18306, and I strongly urge prompt and favorable action by the House of Representatives.

Sincerely,

RICHARD NIXON.

Enclosure and Reading of Communication From Foreign Head of State

§ 6.4 A letter from the President transmitting a commu-

1. 116 CONG. REC. Cong. Rec. 31422, 91st Cong. 2d Sess.

2. But see § 2.2, *supra*.

nication from the Queen of Great Britain was read; the communication from the Queen was also read.

On May 23, 1952,⁽¹⁾ the Speaker laid before the House a letter from the President, which was read. Also read was an enclosed letter from Her Majesty Queen Elizabeth II.

THE WHITE HOUSE,
Washington, May 22, 1952.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I am transmitting herewith a copy of a letter I have received from Her Majesty Queen Elizabeth II, asking me to convey to the Members of the House of Representatives her deep appreciation for their sentiments of sympathy and their tribute to the memory of His late Majesty.

Very sincerely yours,

HARRY TRUMAN.

BUCKINGHAM PALACE, May 7, 1952.
THE PRESIDENT OF THE UNITED STATES
OF AMERICA.

Mr. PRESIDENT: I have received your letter dated the 4th day of March, with which you sent to me the texts of resolutions directed respectively by the United States Senate to my governments in the United Kingdom of Great Britain and Northern Ireland and in the other countries of the Commonwealth and by the United States House

1. 98 CONG. REC. 5864, 82d Cong. 2d Sess.

of Representatives to my government in the United Kingdom.

In thanking you for your kindness in forwarding these resolutions and for the personal sympathy which you have expressed toward me in doing so, I request that you will be good enough to convey to the Senate and the House of Representatives my deep appreciation of the sentiments to which they have given expression and of their tributes to the memory of His late Majesty. . . .

Your sincere friend,

ELIZABETH R.

Letters Presenting Gifts to the House

§ 6.5 The Speaker laid before the House a letter from the President transmitting a historic object and suggesting that it might be exhibited in the House.

On June 26, 1942,⁽¹⁾ the Speaker laid the following letter from President Franklin D. Roosevelt before the House:

The SPEAKER. The Chair lays before the House the following letter from the President of the United States:

THE WHITE HOUSE,
Washington, June 29, 1942.

Hon. SAM RAYBURN,
Speaker, House of Representatives,
Washington, D. C.

1. 88 CONG. REC. 5618, 5619, 77th Cong. 2d Sess.

DEAR MR. SPEAKER: Early this year Mr. John Marshall Gamble of Santa Barbara, Calif., sent to me a very old silver ladle which belonged to Jonathan Dayton, Speaker of the House of Representatives from 1795 to 1799. I thought this might be a very interesting thing for you to have in the House of Representatives to exhibit with my compliments and those of Mr. Gamble. . . .

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Correction of Error in Presidential Message

§ 6.6 The Speaker laid before the House a communication to the Speaker from the Secretary to the President in which the Secretary to the President set forth a correction to a Presidential message transmitted to the House earlier that day.

On June 29, 1946,⁽¹⁾ Speaker Sam Rayburn, of Texas, laid before the House the following communication:

THE WHITE HOUSE,
Washington, June 23, 1942

Memorandum for the Speaker:

On page 10 of the Message of the President returning to the House of Representatives today, without approval, H.R. 6042, "An act to amend the Emergency Price Control Act of

1. 92 CONG. REC. 8014, 8015, 79th Cong. 2d Sess.

1942, as amended, and the Stabilization Act of 1942, as amended, and for other purposes,” the date October 1–15, 1946 appears incorrectly in the next to the last paragraph. This date should read October 1–15, 1941 (instead of 1946).

Will you kindly have the official copy and the RECORD corrected accordingly?

CHARLES G. ROSS,
Secretary to the President

The SPEAKER. Without objection, the correction will be made.

There was no objection.⁽²⁾

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2. The House has allowed the President to withdraw certain papers inadvert-

ently included with a written message. See 5 Hinds’ Precedents § 6651.

On one occasion, the President submitted a message withdrawing proposed rescissions of budget authority submitted under § 1012 of the Impoundment Control Act of 1974 by the previous administration. See 127 CONG. REC. 2219, 97th Cong. 1st Sess., Feb. 17, 1981 (H. Doc. No. 97–19, printed 127 CONG. REC. 2170, Feb. 16, 1981).

INDEX TO PRECEDENTS

Address by President, see, e.g., State of the Union address; Verbal communication from President

Adjournment, receipt of messages during

budget customarily delivered to Clerk if House is not in session, § 1.3

Clerk, budget customarily delivered to, if House is not in session, § 1.3

Clerk, receipt by, §§ 1.3, 2.5–2.9

Clerk, receipt by, authorization under former practice given by concurrent resolution or unanimous consent for, § 2.5

procedure where message is received by Clerk, §§ 2.6–2.9

veto message received during (see also **Veto**), §§ 2.5, 2.8

veto, pocket, precluded where arrangements made for receipt of messages (see also **Veto**), § 2.5

Budget

appendix to, Presidential submission of, § 1.3

date of submission, § 1

received in Speaker's Rooms when House was not in session, Speaker pro tempore laid before the House a communication which had been, § 1.3

statutory provisions establishing dates for submission of, § 1

transmittal of, statutory provisions relating to, § 1

Cambodia, letter from President concerning need for assistance for, see Letter from President

Clerk, receipt of message by

adjournment, during, §§ 1.3, 2.5–2.9, 3.20

classified material, receipt of, by employee in Clerk's office with security clearance, § 3.20

Clerk, receipt of message by—Cont.

concurrent resolution, authorization by, under former practice, § 2.5

procedure upon receipt of message, §§ 2.6–2.9, 3.20

rule authorizing, § 2.5

unanimous consent, authorization by, under former practice, § 2.5

Committee of the Whole

divided for referral between Committee of the Whole and standing committee, message was, § 3.6

documents accompanying Presidential message referred to specific committees where message was referred to Union Calendar, § 3.9

letter from President was read in, by unanimous consent (see also **Letter from President**), § 6.1

message from President not received in, § 2.3

referral by Speaker of Presidential message in first instance to, with intention of referring to committees any bills subsequently introduced in response to message, § 3.5

referred to, President's message containing recommendations as to various legislative matters was, § 3.5

referred to, President's message on the economy was, § 3.4

referred to, President's State of the Union message is (see also **State of the Union address**), §§ 3.2, 3.3, 5.2, 5.4, 5.5

rising of, procedure for, for receipt of message from President, § 2.3

Speaker pro tempore, designated, message was by unanimous consent referred by, § 3.16

Committee, referral to, see Referral to appropriate committee

Concurrent resolution providing for joint session to receive message from President, see Joint session

Constitutional requirements

information on state of the Union to be given from time to time, §§ 1, 4

measures recommended as necessary and expedient, §§ 1, 4

privileged, certain matters as not, see Privileged for immediate consideration, measures in exercise of certain powers conferred by Constitution as not, *infra*

receipt of messages by House, provisions as affecting, § 1.1

State of the Union, information on, to be given from time to time (see also **State of the Union address**), §§ 1, 4

veto messages, see **Veto**

Death of former President, message concerning, § 1.7

Discharge procedure, effect of reading of presidential message on, under former practice, § 2.12

Executive communications

laid before House in manner of Presidential message, executive communication may be, at discretion of Speaker, § 1.3

legislative measure, letter from President urging support for, § 2.2

message, may be treated in same manner as, at discretion of Speaker, § 1.3

messages, distinguished from, §§ 1.2 et seq.

referral of, see **Referral to appropriate committee**

Gallery, persons in, during address to joint session, see Joint session

Iraq, executive communication concerning, see Messages

Israel and Egypt, address concerning peace accord between, see Joint session

Joint session

concurrent resolution inviting President upon his request to address the two Houses as alternative where request to address House was declined, § 2.14

concurrent resolution providing for, to receive message from President, (see also **State of the Union address**), §§ 4.1-4.3, 5.6

consecutive joint sessions to count electoral votes and to receive Presidential message, § 5.6

date for, may be suggested by President, § 4.3

dissolved, Chair declared joint session to be, §§ 5.2, 5.4, 5.6

electoral vote, joint session to count, § 5.6

privileged, concurrent resolution providing for joint session as, § 4.2

recess, Speaker's declaration of, under former practice, § 5.1

request by President to address House concerning pending measure was declined where alternative of joint session was available, § 2.14

State of the Union address, see **State of the Union address**

subjects of Presidential messages delivered, examples of, § 4

veto message, President delivered, to joint session (see also **Veto**), § 4.4

Letter from President

air transportation, letter concerning measures affecting, § 6.2

Cambodia, urged support for measure providing assistance to, § 2.2

Committee of the Whole, letter was read by unanimous consent in, § 6.1

economic interests of United States served by participation in multilateral institutions, letter concerning, § 6.3

Letter from President—Cont.

foreign assistance, letter concerning measures relating to, § 6.1
 foreign head of state, letter transmitting communication from, § 6.4
 gift for exhibition in House, letter relating to, § 6.5
 Iraq, concerning, see **Messages**
 laid before House, letter was, §§ 6.2–6.6
 legislative measure, requesting support for, §§ 2.2, 6.1–6.3
 executive communications, Presidential, letter treated as, §§ 6.2, 6.3
 Mexico, letter concerning relations with, § 1.5
 Queen Elizabeth II, letter transmitting communication from, § 6.4
 referral of letter, §§ 6.2, 6.3
 Speaker, letter addressed to, “for the information of his colleagues” was by unanimous consent read by Clerk, § 1.5
 Speaker took floor in Committee of the Whole to ask unanimous consent that Clerk read letter, § 6.1

Messages

atomic energy used for purposes of defense, message concerning, was accompanied by classified material, § 3.20
 bill reported as lost, message concerning, § 2.13
 classified material, President’s transmittal of, § 3.20
 committee to inform President of readiness to receive, role of, §§ 4.3, 5.5
 correction of error in Presidential message was transmitted by secretary, § 6.6
 death of former President, message informing House and Senate of, § 1.7
 discharge procedure, effect of reading of Presidential message on, under former practice, § 2.12

Messages—Cont.

economic report of President, receipt of, during adjournment, § 2.9
 error in Presidential message, correction of, was transmitted by secretary, § 6.6
 executive communications, distinguished from, §§ 1.2 et seq.
 executive communications may be dealt with in same manner as, at discretion of Speaker, § 1.3
 Impoundment Control Act, message withdrawing rescissions proposed by previous administration under, § 6.6
 interrupting reading, § 2.10
 Iraq, executive communication concerning authorization for use of military force in, § 1.4
 joint session to receive Presidential message, see **Joint session**
 laid before House and read as soon as practicable, see, e.g., §§ 1.1, 1.3, 1.6, 1.7, 2.1, 2.2, 2.6–2.9, 2.14, 3.3
 letter from President, see **Letter from President**
 lost bill, message concerning, § 2.13
 nomination to fill vacancy in office of Vice President, § 3.18
 parliamentary inquiry, Chair declines to recognize for, during reading, § 2.10
 previous question, receipt of message as affected by operation of, § 2.4
 privileged, receipt of Presidential message as, § 1.1
 quorum calls, see **Quorum**
 receipt of, as affected by custom and by constitutional provisions, § 1.1
 receipt of, when House not in session, § 1.3
 recess, Speaker’s declaration of, prior to joint session, see **Joint session; State of the Union address**

Messages—Cont.

- referral of, see Referral to appropriate committee
- removal of executive officer, § 1.6
- rereading of, by unanimous consent, § 2.10
- rescissions of budget authority that were proposed by previous administration, withdrawal of, § 6.6
- statutory provisions establishing dates for submission of Presidential reports and messages, §§ 1, 2.9
- Tennessee Valley Authority, reasons for removal of Chairman of Board of, § 1.6
- veto message, see **Veto**
- Vice President, nomination to fill vacancy in office of, § 3.18
- vote, receipt of message pending, § 2.4
- War Powers Resolution, executive communications under, not read or laid before House under current practice, §§ 3.10, 3.11
- withdrawal of papers not relevant to message, §§ 1, 6.6
- withdrawing proposed rescissions of budget authority submitted by previous administration, § 6.6

Messenger delivering presidential message

- announcement by, § 1
- introduction of, § 1

Mexico, letter from President concerning relations with, § 1.5**Nicaragua, request by President to address House prior to vote on assistance to fighters in, was declined by Speaker, § 2.14****Nomination to fill vacancy in office of Vice President, see Vice President, nomination to fill vacancy in office of****Previous question, receipt of message as affected by operation of, § 2.4****Privileged for immediate consideration, measures in exercise of certain powers conferred by constitution as not**

- discussion generally, § 3.18
- Vice President, resolution confirming nomination for, §§ 3.18, 3.19

Privileged, receipt of presidential message as, see Messages

- legislative day, not held over to another, § 1.1

Quorum

- absence of, presidential message may be received and read in, under current practice, § 2
- interruption of reading of message by quorum call permitted under earlier practice, § 2.11
- rules relating to recognition for point of no quorum or call of the House, discussion of, § 2.11

Recess, see, e.g., Joint session; Messages**Referral to appropriate committee**

- “all standing committees,” comprehensive sequestration order was referred to, as well as to select committee, § 3.8
- amendment of motion to refer, § 3.13
- announcement by Speaker concerning receipt of executive communication was made prior to referral, § 1.4
- budget, appendix to, § 1.3
- budget law, comprehensive sequestration order under, was referred to “all standing committees” and the Permanent Select Committee on Intelligence, § 3.8
- change of referral by Speaker on his own initiative, § 3.14
- change of referral upon agreement to unanimous-consent request made by Speaker, § 3.15

**Referral to appropriate committee—
Cont.**

Committee of the Whole, initial referral of Presidential message to, to be followed by referral to committees of bills introduced upon subjects contained in message, § 3.5

Committee of the Whole, messages referred to, see **Committee of the Whole**

communication from President, instances of referral of, §§ 1.2, 1.3, 2.14, 3.7

communication from President urging support for legislative measure was not referred to committee, § 2.2

debate, Presidential messages referred without, § 3

divided for referral among several committees, communication from President transmitting proposal for energy policy reform was, § 3.7

divided for referral between standing committee and Committee of the Whole, message was, § 3.6

divide measure among multiple committees, Speaker could not, prior to 94th Congress, § 3.9

documents accompanying Presidential message were referred to committees where message was referred to Union Calendar, § 3.9

energy policy reform, communication from President transmitting legislative proposal for, was divided for referral to several committees, § 3.7

environment and wildlife, message proposing legislation affecting, reference of, § 3.9

executive department, communication from, § 1.2

introduction of bills on subjects contained in message, Speaker initially referred Presidential message to Committee of the Whole to await, § 3.5

**Referral to appropriate committee—
Cont.**

Iraq, Speaker announced receipt of executive communication concerning, prior to referral, § 1.4

Joint Committee on Atomic Energy, message accompanied by classified material was referred to, § 3.20

joint referral of communications from President transmitting proposed legislation to committees having jurisdiction, § 3.7

letter from President, referral of (see also **Letter from President**), §§ 6.2, 6.3

motion, referral of Presidential message by House on, § 3

multiple communications related to comprehensive sequestration order, Speaker was given special authority to refer and to devise document including, § 3.8

nomination to fill vacancy in office of Vice President, §§ 3.18, 3.19

not referred, letter from President urging support for legislation was, § 2.2

portion of Presidential message was referred by unanimous consent, § 3.15

postponement of referral, § 3.1

President, communication from, instances of referral of, §§ 1.2, 1.3

previous question, disposition of business after ordering of, preceded reading and referral of Presidential message, § 2.4

previous question on motion to refer, amendment following rejection of, § 3.13

Select Committee on Intelligence, Permanent, comprehensive sequestration order was referred to all standing committees as well as to, § 3.8

Select Committee, referral to, see **Select committees**

**Referral to appropriate committee—
Cont.**

Speaker pro tempore, designated, message was by unanimous consent referred by under former practice, § 3.16

Speaker was given special authority to refer multiple communications relating to comprehensive sequestration order and to print all as document in form deemed appropriate, § 3.8

State of the Union message, see **State of the Union address**

timing of referral, § 3.1

unfinished business, reading and referral of Presidential messages may precede consideration of, § 3.17

Vice President, nomination to fill vacancy in office of, §§ 3.18, 3.19

War Powers Resolution, executive communications required by, referral of, §§ 3.10, 3.11

wheat, sale to Russia of surplus, communication from President relating to, § 1.3

Resignation of President transmitted to Secretary of State rather than to Congress, § 1.8**Resignation of Vice President transmitted to Secretary of State, § 3.18****Select committees**

Energy, Ad Hoc Committee on, creation of, § 3.12

Energy, Ad Hoc Committee on, referral of Presidential message and subsequent related communications and bills to, § 3.12

Intelligence, Permanent Select Committee on, comprehensive sequestration order was referred to all standing committees and to, § 3.8

referral of particular matters to, §§ 3.8, 3.12

Separation of powers as determinative where Speaker declined Presi-**dent's request to address House on pending measure, § 2.14****State of the Union address**

ceremonial procedures, § 5.2

committee to inform President of readiness to receive messages, role of, §§ 4.3, 5.5

concurrent resolution, joint session authorized by, §§ 4.3, 5.2, 5.4–5.6

dissolved, Speaker declared joint session to be, §§ 5.2, 5.4, 5.6

joint session, §§ 3.3, 4, 5.2, 5.4, 5.5

proceedings, §§ 5, 5.2, 5.4

recess prior to joint session declared under (now) clause 12(a) of Rule I, §§ 5.1, 5.2

referral of message to Committee of the Whole, §§ 3.2, 3.3, 5.2, 5.4, 5.5

time of presentation, § 5

writing, may be submitted in, §§ 3.3, 4, 5.4–5.6

written message preceding or accompanying address, §§ 5.4, 5.5

Statutory provisions governing dates for submission, § 1**Tennessee Valley Authority, removal of chairman of board of, § 1.6****Terrorist attack, address concerning, see Joint session****Unfinished business, reading and referral of presidential message may precede consideration of, § 3.17****Verbal communication from President**

adjourn, notification by House of intent to, President's acknowledgement of, § 1.9

House, President addressed, on matter not relating to pending legislation, § 2.14

request by President to address House on pending legislation was declined, § 2.14

Verbal communication from President—Cont.

veto message was delivered to joint session (see also **Veto**), § 4.4

Veto

adjournment, veto message received during, §§ 2.5, 2.8

constitutional considerations relating to procedure whereby President delivered veto message to joint session, § 4.4

joint session, President delivered veto message to, § 4.4

pocket veto precluded where arrangements made for receipt of messages during adjournment, § 2.5

Vice President, nomination to fill vacancy in office of

Ford, Representative Gerald R., § 3.18

message, by written, § 3.18

privileged, discussion of resolution confirming nomination as not, § 3.18

procedure in House, §§ 3.18, 3.19

Rockefeller, Nelson A., § 3.19

Senate action, timing of notification of House as to, § 3.18

Visits to Congress, informal, by President, § 1.10

Vote, messages received pending

completed, pending business was, before message was laid before House, § 2.4

Writing, presidential messages submitted in

enrolled bill, advising House of loss of, § 2.13

military operations, intention to abide by law requiring cessation of, § 2

nomination of person for appointment to office of Vice President, § 3.18

reorganization plans, § 2

war, declaration of, by another country against United States, § 2

Ch. 35

DESCHLER—BROWN PRECEDENTS